

January 11, 2022

// A regular meeting of the Council of the City of Lynchburg was held on the 11th day of January, 2022, at 4:00 P.M. in the Council Chamber, City Hall, MaryJane Dolan, President, presiding. The following Members were present:

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|---|---|
| Present: MaryJane Dolan, Beau Wright, Jeff Helgeson, J. Randy Nelson, Treney Tweedy,<br>Sterling A. Wilder, Chris Faraldi | 7 |
| Absent:   | 0 |

// In the matter of Lynchburg City Schools (LCS), Agenda Item #1, Mr. John Collins, Director of Information Technology, LCS, provided Council with a report on the In-Home Network Expansion project. At its December 14, 2021 meeting, City Council considered a request from the Lynchburg City Schools to appropriate funds for various projects using Coronavirus Aid, Relief, and Economic Security Act (CARES) funds designated for the school system. Funds for this project were designated for LCS and there is no local match requirement. City Council requested additional information on one item, which related to the extension of the City Schools information technology network for in-home student connectivity.

Councilmember Nelson asked if the infrastructure could be utilized in any future city-wide broadband efforts; Mr. Collins replied that these towers could be used in partnership with the city or another provider to offer broader services.

Councilmember Helgeson asked for further clarification on the continuance fees; Mr. Collins explained that the fees are for the addition of one full-time employee to help manage the infrastructure and a support contract for any maintenance occurring in the student's homes.

Councilmember Wilder remarked that offering in-home student connectivity is a great way to entice families to stay in the public-school system and he hopes this will help address the declining enrollment.

Councilmember Faraldi asked if this service could be offered to all educational institutions within the city for a small fee; Mr. Collins replied that there are a lot of stipulations for how these federal funds are to be used. Councilmember Faraldi stated that he could not support the recurring costs associated

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with the full-time employee and the support contract and because this only addresses a portion of the K-12 citizenry and not all of the city's K-12 citizenry.

Councilmember Tweedy stated that this is a benefit to being a student in the public-school system and is a tool for limiting learning loss due to the shutdown of in-person learning due to COVID. She stated that Council cannot address learning loss for children who are not in the public-school system.

Vice Mayor Wright stated that all the students who will benefit from the recurring cost is well worth the trade.

Councilmember Helgeson asked Council to consider turning down the \$3.5 million dollars. He asked Mr. Collins to elaborate on how many LCS students did not have access to broadband internet. Mr. Collins explained that out of the nearly 8,000 students enrolled, about 47% did not have access to broadband internet based on a survey conducted by the school system.

Councilmember Nelson made the motion to approve Resolution #R-21-088b, seconded by Councilmember Wilder. With no other discussion from Council, the following vote was recorded:

Ayes: Dolan, Wright, Nelson, Tweedy, Wilder 5

Noes: Helgeson, Faraldi 2

// In the matter of the City Manager's Office, Agenda Item #2, City Manager Mr. Wynter C. Benda reviewed the 2022 Legislative Agenda. On November 9, 2021 he proposed the City's draft agenda and Council provided feedback. Council then held a Legislative Meeting with its local delegation on November 16, 2021 which provided more feedback, and the Clerk of Council solicited input from the public. On December 14, 2021, Council took up the agenda for a vote which failed, therefore, the agenda was presented for Council action again as it was first presented.

Vice Mayor Wright stated that he was opposed to the addition of the language under the "Principles" category referencing the budget surplus because it is a statement of City policy, and should be debated among Councilmembers, but would be misplaced if included in the City's Legislative Agenda.

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Councilmember Helgeson made the motion to remove the statement under “Principles” regarding the budget surplus, take out charter change, and adopt the 2022 Legislative Agenda. Councilmember Faraldi seconded the motion but asked for a friendly amendment to the motion for the inclusion of the additional language “The City wishes to explore being considered as the pilot location for the state’s charter school initiative.” Councilmember Helgeson accepted the amendment.

Councilmember Tweedy explained her reservations about supporting the idea of a pilot program without knowing any details about the program itself and about entering into an agreement without knowing if the City can decide to remove itself from the pilot program after receiving those key details if it deemed necessary. She stated that she is not supportive of putting this language into the Legislative Agenda.

Councilmember Wilder stated he was not in support of the inclusion of the charter school language because the City should focus its resources on the challenging issues that the public schools face instead.

Mayor Dolan stated her support on the motion was contingent upon there being an option to accept or not accept the opportunity if selected and that enrollment was truly based on an inclusive lottery system.

Councilmember Nelson stated that an agreement to agree isn’t an agreement at all so the sentence that the City wishes to be considered doesn’t bind the City contractually. This doesn’t impose anything on the students or citizens so he would be in favor of supporting it.

Vice Mayor Wright stated that the motion was to do several things including the removal of the charter change, which he was not in support of, and as such would be voting against the motion.

Councilmember Helgeson stated that opening the City’s charter would allow the General Assembly to change any aspect of the charter. He asked Council to consider agreeing to the removal of the charter change.

Councilmember Nelson stated that he was originally in support of including the charter change during previous discussions in regards to moving the general elections from even years to odd years. At

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the time, he was not aware that opening the charter without the advocacy of a local legislator could leave the charter open to being modified in any way. He voiced his desire to see the elections moved to odd years, however, he was worried that opening the charter would mean that the General Assembly would direct that Lynchburg have elected school boards. He would rather take the chance of a very politicized November election in even years than invite the opportunity for an elected school board.

Vice Mayor Wright stated that after the instructive discussion, he would be voting in favor of the motion.

Mayor Dolan stated that she will also vote in favor after hearing the dialogue.

With no other discussion from Council, the following vote was recorded:

Ayes: Dolan, Wright, Helgeson, Nelson, Faraldi 5

Noes: Tweedy, Wilder 2

// In the matter of Redistricting, Agenda Item #3, Council reached a general consensus to reschedule this item for the January 25, 2022 Council meeting.

// In the matter of Engineering, Agenda Item #4(a), City Engineer Mr. Lee Newland briefed Council on a resolution issuing a limited non-exclusive license to VA SKYWIRE LLC for the construction, maintenance, and operation of a fiber optic cable system within the corporate limits of the city from 700 12<sup>th</sup> Street to 1503 Grace Street. The item will come before Council for action on January 25, 2022.

// In the matter of Transportation, Agenda Item #4(b), City Engineer Mr. Lee Newland briefed Council on a resolution requesting the Virginia Department of Transportation (VDOT) to increase the official city street lane mileage for reimbursement of highway maintenance funds for FY 2023. When required, usually each year, the City submits a list of new or improved streets to VDOT for acceptance into the street maintenance system for payments to the City from the Commonwealth. For FY 2023, staff has identified 0.76 lane miles of street segments that need to be added, which include two street segments, Stables Lane (0.08 lane miles – Hawkins Mill Road to the City Limits) and Carroll Avenue (0.68 lane miles – NW

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Railroad to Albert Lankford Drive). This action is required by VDOT to add these segments for addition to the system. The item will come before Council for action on January 25, 2022.

// In the matter of Parks and Recreation, Agenda Item #4(d), Director of Parks and Recreation Ms. Jenny Jones briefed Council on a resolution approving the use of \$23,000 of the Capital Improvement Program Community Park Investment Fund to match funding raised by the partner group Lynchburg Little League for field renovations in Miller Park. The item will come before Council for action on January 25, 2022.

// In the matter of Parks and Recreation, Agenda Item #4(e), Director of Parks and Recreation Ms. Jenny Jones briefed Council on a resolution approving the use of \$5,000 of the Capital Improvement Program Community Park Investment Fund to match funding raised by the partner group Greater Lynchburg Off-Road Cyclists for a pump track in Peaks View Park. The item will come before Council for action on January 25, 2022.

// In the matter of Roll Call, Councilmember Nelson asked staff to bring back a motion for Council's consideration to revitalize the Education Task Force. Councilmember Faraldi stated that Lynchburg City School's should have looped in City Council before making the decision for E.C. Glass to move to virtual learning for the week. Councilmember Wilder noted that Martin Luther King, Jr. Day is approaching and encouraged citizens to partake in the many events throughout the city; he cautioned citizens to growing number of COVID cases and the strains it has on school officials, healthcare workers, and first responders. Councilmember Helgeson commented that he was able to teach in person at Liberty University and is happy to have the students back. Councilmember Tweedy encouraged citizens to get vaccinated and boosted when appropriate. Mayor Dolan announced a few of the MLK events being hosted in the city; she recognized that January 9, 2022 was National Law Enforcement Appreciation Day; she announced the opening of warming stations in the community; she stated her appreciation for the caregivers in the community.

// On motion of Councilmember Helgeson, seconded by Councilmember Nelson, Council, by the following recorded vote, elected to hold a closed meeting for the discussion of appointments typically held by the position of the City Manager to the following board and commissions: Blue Ridge Regional Jail Authority, Lynchburg Regional Business Alliance, Lynchburg Regional Business Alliance Executive Board, Airport

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Commission, Region 2000 Services Authority, Transportation Planning Organization, Central Virginia Planning District Commission, Virginia First Cities, Community Economic Development Steering Committee, and Transit Company Board of Directors, pursuant to Section 2.2-3711(A)(1) of the Code of Virginia, 1950, as amended.

With no discussion from Council, the following vote was recorded:

Ayes: Dolan, Wright, Helgeson, Nelson, Tweedy, Wilder, Faraldi 7

Noes: 0

// The meeting was reopened to the public.

// Councilmember Helgeson made the following motion:

WHEREAS, the Council of the City of Lynchburg has convened a closed meeting on this date, pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act; and

WHEREAS, Section 2.2 3712 of the Code of Virginia requires a certification by City Council that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Lynchburg certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by Council.

The motion was seconded by Vice Mayor Wright, and Council, by the following recorded vote, adopted the motion:

Ayes: Dolan, Wright, Helgeson, Nelson, Tweedy, Wilder, Faraldi 7

Noes: 0

// On motion of Councilmember Helgeson, seconded by Councilmember Wilder, Council by the following

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recorded vote appointed the following members to the respective boards and commissions:

Lynchburg Regional Airport Authority: Reid A. Wodicka will remain on the board for an indefinite term.

Blue Ridge Regional Jail Authority: Wynter C. Benda for a term beginning on January 11, 2022.

Transportation Planning Organization: Wynter C. Benda for a term beginning on January 11, 2022.

Virginia First Cities: Wynter C. Benda for a term beginning on January 11, 2022.

Central Virginia Planning District Commission: Wynter C. Benda for a term beginning on January 11, 2022.

Great Lynchburg Transit Company Board of Directors: Reid A. Wodicka for a term beginning on January 11, 2022 and expiring October 31, 2023.

Lynchburg Regional Business Alliance Board: Wynter C. Benda for a term beginning on January 11, 2022.

Lynchburg Regional Business Alliance Executive Board: Wynter C. Benda for a term beginning on January 11, 2022.

Community Economic Development Steering Committee: Wynter C. Benda for a term beginning on January 11, 2022.

Region 2000 Services Authority: Reid A. Wodicka will remain on this board.

Ayes: Dolan, Wright, Helgeson, Nelson, Tweedy, Wilder, Faraldi 7

Noes: 0

// The meeting was recessed at 6:14 p.m.

// City Council reconvened the meeting at 7:30 p.m. The following members were present:

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Present: MaryJane Dolan, Beau Wright, Jeff S. Helgeson, J. Randy Nelson, Treney Tweedy,  
Sterling A. Wilder, Chris Faraldi 7

Absent: 0

Councilmember Tweedy gave the Invocation, followed by the Pledge of Allegiance.

// In the matter of Recognitions, Mayor Dolan presented Ms. JoAnn Martin, Retired Communications and Public Engagement Director, with a Key to the City for her 39-years of service to the City of Lynchburg.

Mayor Dolan also proclaimed January 11, 2022 has JoAnn Martin Recognition Day.

// In the matter of the Consent Agenda Item A, Council conducted a second reading and adopted Resolution #R-21-088a amending the FY 2022 Schools Capital Fund budget and appropriate \$7,796,804 to fund infrastructure upgrades to City School facilities. On motion of Councilmember Helgeson, seconded by Councilmember Wilder, Council by the following recorded vote approved the motion:

Ayes: Dolan, Wright, Helgeson, Nelson, Tweedy, Wilder, Faraldi 7

Noes: 0

// In the matter of the Consent Agenda Item B, Council conducted a second reading and adopted Resolution #R-21-089 amending the FY 2022 City/Federal/State Aid Fund Budget and appropriating \$38,326 to purchase law enforcement equipment for the Police Department, Sheriff's Office, and Office of the Commonwealth's Attorney. On motion of Councilmember Helgeson, seconded by Councilmember Wilder, Council by the following recorded vote approved the motion:

Ayes: Dolan, Wright, Helgeson, Nelson, Tweedy, Wilder, Faraldi 7

Noes: 0

// In the matter of the Consent Agenda Item C, Council conducted a second reading and adopted Resolution #R-21-090 amending the FY 2022 City/Federal/State Aid Fund Budget and appropriate \$60,000 to purchase 75 replacement ballistic vests for law enforcement officers. On motion of Councilmember Helgeson, seconded by Councilmember Wilder, Council by the following recorded vote approved the motion:

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Ayes: Dolan, Wright, Helgeson, Nelson, Tweedy, Wilder, Faraldi 7

Noes: 0

// In the matter of the Consent Agenda Item D, Council conducted a second reading and adopted Resolution #R-21-091 amending the FY 2022 City/Federal/State Aid Fund budget and appropriate \$50,000 to study potential housing opportunities in the Dearington neighborhood. On motion of Councilmember Helgeson, seconded by Councilmember Wilder, Council by the following recorded vote approved the motion:

Ayes: Dolan, Wright, Helgeson, Nelson, Tweedy, Wilder, Faraldi 7

Noes: 0

// In the matter of the Consent Agenda Item E, Council conducted a second reading and adopted Resolution #R-21-092 amending the FY 2022 City/Federal/State Aid Fund budget and appropriating \$22,717 to provide rapid emergency relief to safely reopen libraries, promote digital inclusion, and support library services that meet the needs of the community. On motion of Councilmember Helgeson, seconded by Councilmember Wilder, Council by the following recorded vote approved the motion:

Ayes: Dolan, Wright, Helgeson, Nelson, Tweedy, Wilder, Faraldi 7

Noes: 0

// In the matter of the Consent Agenda Item F, Council conducted a second reading and adopted Resolution #R-21-093 amending the FY 2022 City/Federal/State Aid Fund Budget and appropriate \$636 to purchase tennis equipment for the youth tennis programs.. On motion of Councilmember Helgeson, seconded by Councilmember Wilder, Council by the following recorded vote approved the motion:

Ayes: Dolan, Wright, Helgeson, Nelson, Tweedy, Wilder, Faraldi 7

Noes: 0

// In the matter of the Consent Agenda Item G, Council conducted a second reading and adopted Resolution #R-21-094 amending the FY 2022 City/Federal/State Aid Fund budget and appropriating

\$84,000 to fund equipment for the Fire Department Technical Rescue Team. On motion of Councilmember Helgeson, seconded by Councilmember Wilder, Council by the following recorded vote approved the motion:

Ayes: Dolan, Wright, Helgeson, Nelson, Tweedy, Wilder, Faraldi 7

Noes: 0

// In the matter of the Consent Agenda Item H, copies of the minutes of the September 28, 2021 meeting have been previously furnished to Council, and on motion of Councilmember Helgeson, seconded by Councilmember Wilder, Council by the following recorded vote approved the minutes as presented:

Ayes: Dolan, Wright, Helgeson, Nelson, Tweedy, Wilder, Faraldi 7

Noes: 0

// In the matter of the Consent Agenda Item I, copies of the minutes of the October 12, 2021 meeting have been previously furnished to Council, and on motion of Councilmember Helgeson, seconded by Councilmember Wilder, Council by the following recorded vote approved the minutes as presented:

Ayes: Dolan, Wright, Helgeson, Nelson, Tweedy, Wilder, Faraldi 7

Noes: 0

// In the matter of the Consent Agenda Item J, copies of the minutes of the October 26, 2021 meeting have been previously furnished to Council, and on motion of Councilmember Helgeson, seconded by Councilmember Wilder, Council by the following recorded vote approved the minutes as presented:

Ayes: Dolan, Wright, Helgeson, Nelson, Tweedy, Wilder, Faraldi 7

Noes: 0

// In the matter of Community Development, Agenda Item #7, a public hearing was held and Council considered adopting Resolution #R-22-002 approving the goals of the Community Development Block Grant (CDBG) and HOME Programs for the Program Year 2022 Annual Action Plan.

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Ms. Melva Walker, Grants Manager, provided Council with a summary of the request. The U. S. Department of Housing and Urban Development (HUD) requires state and local governments which receive federal community development funds, to prepare a Consolidated Plan. The Consolidated Plan for Lynchburg was approved in June 2020 and covers the period from July 1, 2020 through June 30, 2024. This plan outlines the City's needs, goals, and objectives for community development (both housing and non-housing areas). HUD requires CDBG and HOME Program entitlement communities to review these goals on an annual basis. City Council is seeking the input of citizens and other interested parties regarding the approved goals. A 15-day public comment period to receive citizen input regarding these goals was initiated on December 27, 2021 through a legal notice published in The News and Advance.

There was no one to speak in favor or opposition, either by phone, email, or in-person, so the public hearing was closed and the matter rested with Council.

As Chair of the Community Development Advisory Committee (CDAC), Vice Mayor Wright made a motion to approve the resolution, stating this is City Council's annual review of goals. Councilmember Wilder, Vice Chair of CDAC, seconded the motion.

Councilmember Helgeson asked CDAC to focus on housing goals going forward to combat vacant properties, specifically in Ward 2. Ms. Walker responded that the Lynchburg Redevelopment and Housing Authority will be coming forward with an application that will address this issue.

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Councilmember Faraldi asked if there was a way in which to assess how well the city is doing with the goals. Ms. Walker replied that is done individually through the different projects the City funds.

With no other discussion from Council, the following vote was recorded:

Ayes: Dolan, Wright, Helgeson, Nelson, Tweedy, Wilder, Faraldi 7

Noes: 0

// The meeting adjourned at 8:08 p.m.

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Clerk of Council

January 25, 2022

// A regular meeting of the Council of the City of Lynchburg was held on the 25th day of January, 2022, at 4:00 P.M. in the Council Chamber, City Hall, MaryJane Dolan, President, presiding. The following Members were present:

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|---|---|
| Present: MaryJane Dolan, Beau Wright, Jeff Helgeson, J. Randy Nelson, Treney Tweedy,<br>Sterling A. Wilder, Chris Faraldi | 7 |
| Absent:   | 0 |

// In the matter of Redistricting, Agenda Item #1, Council began reviewing the decennial redistricting requirements and requested permission to initiate the process. Mr. Kent White, Director of Community Development, provided Council with a brief summary of the request. He explained that redistricting is the process of redrawing the boundaries of districts that elect representatives who serve specific geographic areas. This process occurs every 10 years following the United States decennial census and is the responsibility of state and local governments. As with past redistricting, staff support comes from the offices of the City Attorney, City Manager, Community Development, Information Technology, and the City Registrar.

Councilmember Helgeson asked what the timeline for this process would look like if there was a Democratic Primary in the 5<sup>th</sup> district which includes Lynchburg residents. City Attorney Mr. Matthew Freedman replied that as long as the City meets a period of 60 days before an election they would be compliant.

Councilmember Faraldi asked about the racial makeup of Ward 2 and if the guidance speaks to ensuring it stays no lower than its current percentage or it must be above a majority? Mr. White responded that the guidance talks specifically to a majority and that any deviation above 50% should not be a problem. Councilmember Faraldi asked if the term "effective date" means that upon Council's vote, that would be the new boundary? Mr. White replied; yes. Councilmember Faraldi asked if the guidance as to how Council will operate is from the state playbook, or would Council be able to operate from its own guidance? For example, not crossing either a natural or transportation boundary? Mr. White replied that staffs' sense is the Department of Legislative Services gives the locality a playbook but there is some

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discretion that Council has on where and how to move the boundaries as long as it is tied to block groups. Councilmember Faraldi stated that he is not a fan of how Wards are cut currently. He would like to explore how Council can find ways to bring neighborhoods back together. He would also want to see what it would take to get absentee ballots reported back to the precinct in which they come from.

// In the matter of Schools, Agenda Item #2, Council considered several options regarding its Task Force on the Future of Education in the City of Lynchburg: PreK-12 and Beyond (Task Force). Deputy City Manager Dr. Reid Wodicka provided Council with a brief summary of the request. On June 12, 2019, City Council adopted a charter for the Task Force. Beginning in the late summer and fall of that year, the Task Force conducted their work, holding several meetings over a period of six months. Additionally, several subcommittees defined in the Charter were formed during this time and community members became involved in conversations regarding the future of education in our community. Unfortunately, the COVID-19 pandemic paused this work and the Task Force has not met since February 2020. While no specific recommendations were developed, the group did have several productive developments, such as the completion of a demographics and enrollment trend projection, a planned (but not complete) survey of City Schools employees, and others. Additionally, while not a specific recommendation from the group, the Lynchburg City Schools facility study currently underway was also a direct result of staff involvement in the facilities subcommittee. On January 19, 2021, the School Board by consensus agreed to recommend revisions to the original scope of the Task Force, focusing on facilities, broadband infrastructure, and the social and emotional wellbeing of students; however, this was never addressed by City Council and, as such the original Charter is still the governing document.

The School Board reaffirmed the charter December 7, 2021. At the January 11, 2022 Council Meeting Councilmember Nelson requested that City Council address the continuance of the Task Force. City Council discussed three options:

1. Reaffirm the existing Task Force charter
2. Disband the Task Force
3. Reaffirm the role and need for the Task Force, but revise the scope

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Councilmember Nelson stated that even with the pandemic there's no practical or logical need to delay the Task Force resumption of its work just to modify the charter. He believes it would be more efficient for the Task Force to resume its original work and if appropriate, to simply reference whatever additional issues and insights it may identify as beneficial to that purpose.

Vice Mayor Wright stated the original mission of the Task Force was to ask important questions regarding facilities, demographics, curriculum, staffing, and etc. His opinion was that it was formed to augment the capacity of the School Board and City Council and leverage the diversity of opinions and thoughts that exist in the community and their expertise to really think hard about what the future of education's going to look like in Lynchburg. It was made up of politically insulated community members who were concerned with making sure Lynchburg has the best schools. He stated that COVID has changed the landscape of education. He stated his skepticism about renewing the Task Force because he could not see how this group would be able to now collect useful data in the immediate future and then make meaningful conclusions. The Task Force could also serve to distract City Council and the School Board from the facility study and it is really important that the two governing bodies exert full ownership over that process. He stated that when the Task Force was created, the school and city administration were expected to provide administrative support. He asked the City Manager if the City would be able to staff the Task Force should it continue? City Manager Mr. Wynter C. Benda replied that he does not know if he can commit City staff to the Task Force without fully understanding the degree of what this Task Force is; he doesn't know the needs that were of that body. If it was the complement before, he doesn't know if he can commit to it. Vice Mayor Wright stated that his recommendation is to thank the members of the Task Force for their service but to not reaffirm the charter.

Councilmember Wilder stated that he would have liked to heard from the Task Force so that Council doesn't ask them to continue if they don't want to continue, however, the School Board voted affirmatively for the group to continue so he will also vote for them to continue.

Councilmember Helgeson stated that the Task Force could have served as a neutral body to address school consolidation but now the facility study is being done, Council can address that need. He

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stated that he sees the Task Force's work as being done so Council should disband them. If the need in the future arises Council can reinstitute the committee.

Councilmember Faraldi stated there is still a need for the Task Force even though the times have changed the goal, the direction of the deliverables are still applicable. He sees this group as building community buy-in and brings Council and School Board members together. He also asked Council to reconsider its membership representation on the Task Force.

Councilmember Tweedy stated the Task Force should not be brought back in the same scope as it was before because the pandemic has changed the landscape of education. She commented that Council has not seen the data that was collected beforehand and she would like to see the work of the pre-COVID period. She stated that she would be willing to consider reaffirming but would need to see some product within a certain timeframe.

Councilmember Nelson stated that he doesn't see not providing City staffing to the Task Force as an obstacle and he would leave it to the Task Force to decide how they would accomplish the work.

Councilmember Helgeson asked Council to consider a substitute motion to reaffirm the Task Force but give them a timeline to produce a presentation on data collected thus far. Mr. Benda said that he would not have the resources to give the Task Force to perform their work.

Vice Mayor Wright called the question so with no other discussion from Council, the following vote on the motion to approve Option 1 to reaffirm the existing Task Force charter failed with the following recorded vote:

Ayes: Nelson, Wilder, Faraldi 3

Noes: Dolan, Wright, Helgeson, Tweedy 4

Vice Mayor Wright made the motion to approve Option 2 to disband the Task Force, seconded by Councilmember Tweedy.

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Councilmember Helgeson asked Council to consider Option 3 but impose a timeline.

Councilmember Nelson responded that he would not feel comfortable imposing a timeline without first talking with the Chairs of the Task Force.

Councilmember Faraldi made the substitute motion to approve Option 3 to reaffirm the role and need for the Task Force, but revise the scope, seconded by Councilmember Helgeson. Councilmember Faraldi stated the purpose of his motion was so that Council can discuss Option 3. Councilmember Helgeson stated that the only way he'd want to see Option 3 is if Council decided a timeline for the Task Force to produce its work.

Councilmember Tweedy stated that she would not be supporting the substitute motion because the data is outdated and the members may not be in a place to participate.

With no other discussion from Council regarding the motion, the following vote was recorded:

Ayes: Helgeson, Nelson, Faraldi 3

Noes: Dolan, Wright, Tweedy, Wilder 4

The main motion of disbanding the Task Force was then voted on with the following recorded vote:

Ayes: Dolan, Wright, Helgeson, Tweedy 4

Noes: Nelson, Wilder, Faraldi 3

// In the matter of Schools, Agenda Item #3(a), Chief Financial Officer Ms. Donna Witt briefed on a resolution to amend the FY 2022 General Fund budget and appropriate \$2,347,404 with resources from unexpended FY 2021 Schools Operating Fund appropriations for transfer to the FY 2022 Schools Operating Fund (\$400,001) and to the FY 2022 Schools Capital Fund (\$1,947,403) to fund needs as approved by the School Board. This action is requested in accordance with an agreement signed by the Lynchburg City Council and the Lynchburg City School Board dated December 14, 1993. This agreement provides for the creation and maintenance of a Schools Operating Fund balance for "the purpose of underwriting any occasional shortfalls from the various budgetary categories of direct State funding

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support as well as other applications, all based upon the required expenditure approval of the School Board." A request was submitted by letter to the City Manager January 3, 2022 for use of the FY 2021 Schools Fund Balance. The Lynchburg City School Board approved the submittal at the December 7, 2021 School Board meeting. This item will come before City Council for action at its February 8, 2022 meeting.

Councilmember Faraldi stated that he would like a streamlined approach on how the return to fund balance is calculated going forward.

Councilmember Tweedy asked staff to bring the answers back on the following questions: how many mobile classrooms does LCS have in its division, and why are there mobile classrooms still?

// In the matter of Planning, Agenda Item #3(b), City Planner Mr. Tom Martin briefed Council on a petition from Ms. Megan Shields (True Healing Massage) to rezone four tenths (0.4) of an acre at 3629 Fort Avenue from R-4, High Density Residential District to B-1C, Limited Business District (Conditional) to allow the use of the existing structure as a massage therapy business. The Planning Commission recommended approval at its January 12, 2022 meeting. This item will come before Council for action at its February 8, 2022 meeting.

// In the matter of a Franchise Agreement, Agenda Item #3(c), City Attorney Mr. Matthew Freedman briefed Council encroachment franchise ordinance. In the City, on Rotunda Street and Colonnade Street of the Cornerstone development, portions of the buildings related to the same were constructed on City property, namely in City sidewalks/public rights-of-way and over a City drainage easement. He advised that the remedy in this situation is to either 1) grant permission under certain terms and conditions for the existence of such encroachments; 2) permit the encroachments to exist pursuant to § 35-2.1 of the City's Code; or 2) require their immediate removal. Given the nature of the encroachments involved in this situation, City staff recommended granting permission in the form of a franchise ordinance for the encroachments to exist under certain terms and conditions. Given the nature of the grant and the length of the grant, the City will need to advertise for bids, accept a bid, and hold a public hearing before voting on whether to adopt the franchise ordinance. As such, this item will come before Council for action at its February 22, 2022 meeting.

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Councilmember Faraldi asked staff to confirm whether this property was one that had a rezoning petition a few months prior for some apartment buildings.

// In the matter of Roll Call, Agenda Item #4, Councilmember Helgeson stated that he is disappointed in the school administration and the School Board for requiring masks on students. Councilmember Faraldi stated that there has been an increase in speeding challenges throughout the City and any mitigation efforts from the staff would be appreciated; he noted that January 22, 2022 was Sanctity of Life Day. Councilmember Wilder announced that there will be a vaccination effort at 3100 Hill Street; he also commended the School Board and school administration for enforcing masks. Councilmembers Nelson, Tweedy, Vice Mayor Wright, and Mayor Dolan had no items.

// The meeting was recessed at 6:18 p.m.

// City Council reconvened the meeting at 7:30 p.m. The following members were present:

|  |   |
|--|---|
| Present: MaryJane Dolan, Beau Wright, Jeff S. Helgeson, J. Randy Nelson, Treney Tweedy,<br>Sterling A. Wilder, Chris Faraldi | 7 |
| Absent:  | 0 |

Councilmember Wilder gave the Invocation, followed by the Pledge of Allegiance.

// In the matter of Recognitions, Mayor Dolan recognized the Liberty University Women's Field Hockey team on achieving runner-up in the NCAA Field Hockey Championship.

Mayor Dolan recognized the University of Lynchburg Men's Soccer team for successfully winning the Old Dominion Athletic Conference Championship for the second year in a row and qualified for the NCAA Division III tournament.

Mayor Dolan recognized the University of Lynchburg Women's Cross-Country team for successfully winning the Old Dominion Athletic Conference title and finishing 32<sup>nd</sup> at the NCAA Division III Championship.

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Mayor Dolan recognized the University of Lynchburg Men's Cross-Country team for successfully winning the Old Dominion Athletic Conference title and finishing 18<sup>th</sup> at the NCAA Division III Championship.

Mayor Dolan recognized the Miss Amiyah Chalmers, member of the Mayor's Youth Council, who was in attendance.

// In the matter of Engineering, Agenda Item #6, a public hearing was held and Council considered adopting Resolution #R-22-004 issuing a limited non-exclusive license to VA SkyWire, LLC for the construction, maintenance, and operation of a fiber optic cable system. Council was previously briefed on this item during its January 11, 2022 Business Item Briefings.

Mayor Dolan opened the floor for the petitioner to make a presentation; Mr. Scott Coonfield, President of VA SkyWire, LLC, explained to Council that a developer of an apartment complex has requested his company deliver broadband services to the area.

There was no one to speak in favor or opposition, either by phone, email, or in-person, so the public hearing was closed and the matter rested with Council.

Vice Mayor Wright made the motion to approved the resolution, seconded by Councilmember Tweedy. With no other discussion from Council, the following vote was recorded:

Ayes: Dolan, Wright, Helgeson, Nelson, Tweedy, Wilder, Faraldi 7

Noes: 0

// In the matter of Public Comment (A), Mr. Gary Taylor spoke to Council regarding public education and other tools to improve education. He urged Council to be open-minded to the idea of implementing charter schools.

// In the matter of the Circuit Court, Agenda Item #7, a first reading was conducted regarding Resolution #R-22-005 amending the FY 2022 City/Federal/State Aid Fund budget and appropriating \$33,650 for the preservation of several records. Mr. Todd Swisher, Circuit Court Clerk, provided Council with a summary of the request. The Library of Virginia allows Circuit Court Clerk's Offices statewide to submit applications

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for grant funding to preserve historical records on an annual basis. The Lynchburg Circuit Court Clerk's Office submitted a grant application to reformat and preserve the following records at a total amount of \$33,650: to preserve Land Book (1896-1898); Land Book (1887, 1892, 1893); Marriage Bonds: Volume L-Z (1841-1847); Marriage Bonds: Volume A-Z (1848-1849, 1805-1852, 1856-1857); Register of Births (1865, 1872-1896); Register of Deaths (1886-1896), Register of Deaths (1865, 1872-1896); and Deed Book: Volume 59 (1889-1900). The grant application has been approved for the full amount requested and no local match is required. The grant covers 100% of the costs related to the preservation work.

At its January 25, 2022 meeting, the Finance Committee recommended approval. As Chair of that committee, Councilmember Helgeson brought the committee's recommendation for approval forward as a motion. No second was required, and Council, by the following recorded vote approved the motion:

Ayes: Dolan, Wright, Helgeson, Nelson, Tweedy, Wilder, Faraldi 7

Noes: 0

// In the matter of Human Services, Agenda Item #8, a first reading was conducted regarding Resolution #R-22-006 amending the FY 2022 City/Federal/State Aid Fund budget and appropriating \$20,768 from the U.S. Federal Government Fiscal Year 2022 Chafee Supplemental COVID fund to aid in youth affected by the COVID-19 pandemic. Mr. Preston Sellers, Director of Human Services, provided Council with a summary of the request. The grants are funded to agencies only once, and are designed to address the financial needs of youth and young adults who are in or were formerly in foster care during the pandemic. The department of Human Services has been awarded the following amounts: \$14,768 in additional Chafee COVID funds. The funds can be used to provide direct financial assistance to youth, assist youth in meeting living expenses (rent, groceries, utilities, etc.), assist with medical expenses, provide services and supports, continue service provision for youth who would otherwise lose eligible funding (CSA) at age 21, assist with driving and/or transportation needs and expenses, and to assist agencies with marketing and outreach for eligible youth; and \$6,000 in additional Chafee ETV COVID funds. Funds are designed to assist/support youth who were on track to attend or were attending post-secondary institutions or programs, but had their education interrupted due to the COVID-19 pandemic. The funding is to be used to help support youth to remain enrolled in a post-secondary or training/vocational program, including

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expenses that are not part of the cost of attendance. Examples of allowable expenditures are laptops or other technology necessary for virtual attendance, office supply items needed to create a learning space in the home, and tools/services needed for internet access.

At its January 25, 2022 meeting, the Finance Committee recommended approval. As Chair of that committee, Councilmember Helgeson brought the committee's recommendation for approval forward as a motion. No second was required, and Council, by the following recorded vote approved the motion:

Ayes: Dolan, Wright, Helgeson, Nelson, Tweedy, Wilder, Faraldi 7

Noes: 0

// In the matter of the Fire Department, Agenda Item #9, a first reading was conducted regarding Resolution #R-22-007 amending the FY 2022 City/Federal/State Aid Fund budget and appropriating \$42,532 for the purchase of two (2) Power Pro stretchers for the Fire Department. Fire Chief Greg Wormser provided Council with a summary of the request. The Virginia Office of Emergency Medical Services (EMS) awards grant funding to EMS agencies for the purpose of obtaining and maintaining emergency vehicles and equipment; providing EMS management, leadership, and advanced life support training; and achieving other goals that support the enhancement of community EMS services. The Fire Department was awarded RSAF grant funds to replace two (2) Power Pro stretchers which have reached the end of their useful life with one being manufactured in 2012 and the other in 2015. Replacement of the items will assist the fire department in maintaining a high level of customer service and patient care. Additionally, use of these stretchers greatly diminishes the likelihood of back injuries related to patient movement. The grant requires a local match. The Fire Department has been awarded grant funds under a 50/50 match. With a total cost of \$42,532, the maximum required local match is \$21,266. The match will be funded from the FY 2022 General Fund Fire Department budget.

At its January 25, 2022 meeting, the Finance Committee recommended approval. As Chair of that committee, Councilmember Helgeson brought the committee's recommendation for approval forward as a motion. No second was required. Councilmember Faraldi asked where the local match will come from. Chief Wormser replied that there is currently no line item for the match, however, the funds will come from

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the operating budget, specifically out the Minor Tools and Equipment budget line. Councilmember Faraldi asked for the amount currently left in that line item; Chief Wormser replied that he will give him that figure.

With no other discussion, Council, by the following recorded vote approved the motion:

Ayes: Dolan, Wright, Helgeson, Nelson, Tweedy, Wilder, Faraldi 7

Noes: 0

// In the matter of Parks and Recreation, Agenda Item #10, Council considered Resolution #R-22-008 approving \$23,000 in the Capital Improvement Program Community Park Investment Fund for the renovation of baseball fields at Miller Park. Council was previously briefed on this item during its January 11, 2022 Business Item Briefings. Vice Mayor Wright made the motion to approve the resolution, seconded by Councilmember Tweedy. With no other discussion from Council, the following vote was recorded:

Ayes: Dolan, Wright, Helgeson, Nelson, Tweedy, Wilder, Faraldi 7

Noes: 0

// In the matter of Parks and Recreation, Agenda Item #11, Council considered Resolution #R-22-009 approving \$5,000 in the Capital Improvement Program Community Park Investment Fund for a pump track at Peaks View Park. Council was previously briefed on this item during its January 11, 2022 Business Item Briefings. Vice Mayor Wright made the motion to approve the resolution, seconded by Councilmember Wilder. With no other discussion from Council, the following vote was recorded:

Ayes: Dolan, Wright, Helgeson, Nelson, Tweedy, Wilder, Faraldi 7

Noes: 0

// In the matter of Engineering, Agenda Item #12, Council considered Resolution #R-22-010 requesting VDOT to increase the official city street mileage for reimbursement of highway maintenance fund for FY 2023. Council was previously briefed on this item during its January 11, 2022 Business Item Briefings. Councilmember Tweedy made the motion to approve the resolution, seconded by Councilmember Helgeson. With no other discussion from Council, the following vote was recorded:

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Ayes: Dolan, Wright, Helgeson, Nelson, Tweedy, Wilder, Faraldi 7

Noes: 0

// In the matter of City Council, Agenda Item #13, Council considered Resolution #R-22-011 approving a location change of the Work Session portion of the February 8, 2022 regular meeting of the City Council to allow the use of better visual aids when discussing the redistricting item scheduled for that particular meeting. Councilmember Helgeson made the motion to approve the resolution stating that he supports the location change since the proposed new location (City Hall, 2<sup>nd</sup> Floor Training Room) has full connectivity in regards to streaming services and will be fully transparent meeting. Councilmember Faraldi seconded the motion. With no other discussion from Council, the following vote was recorded:

Ayes: Dolan, Wright, Helgeson, Nelson, Tweedy, Wilder, Faraldi 7

Noes: 0

// In the matter of the Schools, Agenda Item #14, a second reading was conducted and Council considered Resolution #R-21-088(b) amending the FY 2022 Schools Capital Fund budget and appropriating \$3,500,000 from the CARES Act to fund the City Schools In-Home Network Extension project.

Councilmember Faraldi stated that he has concerns with the ongoing costs and the limitations associated with the extension.

Councilmember Wilder made the motion to approve the resolution, seconded by Councilmember Tweedy. With no other discussion from Council, the following vote was recorded:

Ayes: Dolan, Wright, Nelson, Tweedy, Wilder 5

Noes: Helgeson, Faraldi 2

// In the matter of an item not on the agenda, Councilmember Helgeson made the motion to reconsider the disbandment of the Task Force on the Future of Education in the City of Lynchburg: PreK-12 and Beyond (Task Force). Councilmember Nelson seconded the motion stating he consulted with the chair of the Task Force after the January 25, 2022 Work Session as to whether or not he was willing to undertake

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the resumption of duties knowing that City staff would be unable to offer support; the Chair agreed to the conditions.

Councilmember Tweedy stated that she is in favor of letting the Task Force conduct a feasibility report before deciding whether or not to disband the group.

Councilmember Nelson clarified that the motion doesn't do anything other than reverse the disbandment of the Task Force.

With no other discussion from Council on the motion, the following vote to reverse the disbandment was recorded:

Ayes: Dolan, Wright, Helgeson, Nelson, Tweedy, Wilder, Faraldi 7

Noes: 0

In an effort to provide greater direction to the Task Force regarding the reversal, Vice Mayor Wright made a subsequent motion directing the Task Force to assess the feasibility of completing the assignments contained in the Task Force's original charter and to also report to City Council any other concerns that may affect its finds. Councilmember Nelson seconded the motion. With no other discussion from Council, the following vote was recorded:

Ayes: Dolan, Wright, Helgeson, Nelson, Tweedy, Wilder, Faraldi 7

Noes: 0

City Council, by consensus, further directed the Task Force to provide this feasibility report to City Council no later than the City Council meeting scheduled for March 8, 2022. City Council provided some latitude in this motion that if more time from the Task Force is needed, that the Chair and Co-Chair of the Task Force would make that known to City Council.

// On motion of Councilmember Wilder, seconded by Councilmember Helgeson, Council, by the following recorded vote, elected to hold a closed meeting for the discussion of the City entering into a lease agreement with a local private entity, pursuant to Sections 2.2-3711(A)(3) and 2.2-3711(A)(6) of the Code of Virginia, 1950, as amended; and to discuss the appointments to the following boards and commissions:

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City Employee Appeals Board, Airport Commission, Lynchburg Redevelopment and Housing Authority, and Planning Commission, pursuant to Section 2.2-3711(A)(1) of the Code of Virginia, 1950, as amended.

With no discussion from Council, the following vote was recorded:

Ayes: Dolan, Wright, Helgeson, Nelson, Tweedy, Wilder, Faraldi 7

Noes: 0

// The meeting was reopened to the public.

// Councilmember Helgeson made the following motion:

WHEREAS, the Council of the City of Lynchburg has convened a closed meeting on this date, pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act; and

WHEREAS, Section 2.2 3712 of the Code of Virginia requires a certification by City Council that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Lynchburg certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by Council.

The motion was seconded by Councilmember Nelson, and Council, by the following recorded vote, adopted the motion:

Ayes: Dolan, Wright, Helgeson, Nelson, Tweedy, Wilder, Faraldi 7

Noes: 0

// On motion of Councilmember Helgeson, seconded by Councilmember Wilder, Council by the following recorded vote appointed the following members to the respective boards and commissions:

January 25, 2022

City Employee Appeals Board: Stephanie Berkland to a new 3-year term ending June 30, 2024.

Lynchburg Regional Airport Commission: Massie Ware (reappointment) to a new 3-year term ending December 31, 2024

Lynchburg Redevelopment and Housing Authority: Ray Booth to an unexpired term ending September 30, 2022.

Planning Commission: Amelia Graves to a new 3-year term ending December 31, 2024.

Ayes: Dolan, Wright, Helgeson, Nelson, Tweedy, Wilder, Faraldi 7

Noes: 0

// The meeting adjourned at 9:09 p.m.

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Clerk of Council

February 4, 2022

// An additional meeting of the Council of the City of Lynchburg was held on the 4th day of February, 2022, at 10:00 A.M. at the Academy Center of the Arts, MaryJane Dolan, President, presiding. The following Members were present at the retreat:

|  |   |
|--|---|
| Present: MaryJane Dolan, Beau Wright, Jeff Helgeson, J. Randy Nelson, Treney Tweedy,<br>Sterling A. Wilder | 6 |
| Absent: Chris Faraldi  | 1 |

// Mr. John Martin, CEO and Managing Partner, and Ms. Rachel Yost, Managing Partner, both of Southeast Institute of Research (SIR), the firm hired to conduct the retreat, provided Council with an overview of proposed events of the day:

- Review 6 Roles of Highly Effective City Councils
- Conduct a SWOT– Internal and External Forces (Trends)
- Based on this Situation Review – Create a Strategic Perspective
- Values, Vision, and Framework
- Look at Current Topics Through this Strategic Perspective
- Outline Next Steps

Mr. Martin discussed the retreat goals:

- Objective: Learn about and inspire a strategic perspective to shape the future of Lynchburg.
- Alignment: Arrive at a consensus perspective on the current state.
- Engagement: Ensure all Councilmembers' voices are heard.
- Action: Arrive at clear next steps to advance a strategic perspective.

// Mr. Martin led the Council in a group exercise entitled, "Using a Strategic Perspective to Prioritize and Make Short-Term Decisions". Separated into three groups of two, Mr. Martin asked Council to choose two topics among each group of importance to Councilmembers from the following categories: taxes, compensation, infrastructure, safety, education, upward mobility, environment, branding, and

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partnerships. He then asked each group to consider the following questions as it pertains to each of the topics:

“What should Lynchburg (all stakeholders) do to strategically address this topic area in a way that reinforces our story as a great place for young people and young families?”

“How should City Council provide strategic leadership in this topic area?”

Councilmembers then collectively discussed their priorities for the City and organization as it pertains to the upcoming budget based on the group exercise. Council chose to focus their efforts in the following areas: Public Safety, Infrastructure, Lifelong Learning, Economic Development, and Quality of Life.

// The meeting adjourned at 4:00 p.m.

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Clerk of Council

February 8, 2022

// A regular meeting of the Council of the City of Lynchburg was held on the 8th day of February, 2022, at 4:00 P.M. in the 2<sup>nd</sup> Floor Training Room, City Hall, MaryJane Dolan, President, presiding. The following Members were present:

|   |   |
|---|---|
| Present: MaryJane Dolan, Beau Wright, Jeff Helgeson, J. Randy Nelson, Treney Tweedy,<br>Sterling A. Wilder, Chris Faraldi | 7 |
| Absent:   | 0 |

// In the matter of Budget, Agenda Item #1, Deputy City Manager Dr. Reid A. Wodicka and Chief Financial Officer Ms. Donna Witt presented the FY 2023 – 2027 Capital Improvement Plan which consisted of 95 projects, 32 of which were newly-added to the five-year plan. The presentation did not include Water, Sewer, Stormwater, Fleet, or Airport Projects. The presentation was informational only and staff will request approval at the February 22, 2022 City Council meeting. Council was encouraged to submit any questions via the online submission form.

Councilmember Helgeson asked Council to consider not funding some of the new, General Fund ARPA-funded projects like the Ivy Creek Innovation Park site developments, the pedestrian waste receptacle replacements, and some parks and recreation projects and instead fund the police headquarters. City Manager Mr. Wynter C. Benda replied that the list of projects was reflective of what all seven Councilmembers said was important to each of them.

Councilmember Nelson stated that having interest from existing businesses in the Ivy Creek Innovation Park to expand and are ready and willing to occupy the pad-ready sites would be refreshing. He asked if the \$125,000 donated by a private citizen for the Riverfront Park Improvements Project was part of an in-kind match or if these were actual funds the City anticipates to collect from a private citizen? Dr. Wodicka replied that the Kiwanas group have already raised the funds for the playground at Riverfront Park.

Councilmember Tweedy stated that national manufacturing companies who have the potential to employ a lot of people are the types of clients looking for pad-ready sites and the city is at a deficit. She stated that the projects that staff are proposing are projects she has heard the community say they want.

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Councilmember Wilder stated that these projects promote high quality of life for citizens and helps maintain the city's infrastructure.

// In the matter of Personal Property Tax, Agenda Item #2, Mr. Mitch Nuckles, Commissioner of the Revenue, made a presentation regarding the 2022 Personal Property Tax Assessment. Due to the shortage of new vehicles as a result of the economic impacts of COVID-19, vehicles have appreciated in value, rather than depreciating from the prior year's assessed value based on the data received from the National Automobile Dealers Association (NADA) pricing guide. This valuation guide is used by every locality in the Commonwealth of Virginia. The City of Lynchburg will realize approximately a 30% increase in the assessed value of vehicles based on this guide, resulting in a higher tax levy to current vehicle owners. Understanding City Council's priorities, the Commissioner explored possible options to lower the tax burden for Lynchburg citizens for this unprecedented appreciation in vehicle values. The recommended action is to reduce the ratio used against the assessed value (according to the NADA pricing guide) from 100% to 75% to calculate the personal property tax levy, and is provided for in the Code of Virginia. Mr. Nuckles stated if there is Council support for the recommendation, the item will be brought back to the February 22, 2022 City Council meeting for a vote.

Vice Mayor Wright asked if there are any downstream consequences to this proposal. Mr. Nuckles replied that with the addition of the sunset clause, Council will not have to act to lower the rate again after one year.

Councilmember Faraldi asked staff to give reasoning on why Council would not want to discuss adjusting the rate annually. Mr. Nuckles replied that Council would also have to adjust the business equipment rate because the rate cannot exceed the vehicle rate. If the vehicle rate is lowered, then the business equipment rate would also have to be lowered. Councilmember Faraldi asked if the sunset clause should be aligned with assessment years. City Manager Mr. Wynter C. Benda advised that if the state of the economy were to change, Council would have to revert back.

// In the matter of Redistricting, Agenda Item #3, Mr. Kent White, Director of Community Development, and Mr. Tom Martin, City Planner, provided updates to Council questions from the January 25, 2022 meeting on redistricting along with an overview of the tools available to assist with drawing ward

February 8, 2022

boundaries. Four base maps, labeled options A-D, were provided as a starting point for Council discussion.

Councilmember Faraldi asked staff to bring back the population variance between each scenario, going forward.

Councilmember Helgeson stated that Scenario D is based on census tracks and not based on where citizens currently vote and would be the most disruptive to adopt. He asked for Scenario D be removed from consideration and Council agreed by a general consensus. He stated that he liked Scenario C if the process was starting from square one, however, Scenario A provided the less amount of disruption to citizens overall.

Councilmember Nelson stated that he liked Scenario C because it follows all of the mandated criteria; it is aligned with the census boundaries; it has no more than a 5% plus or minus population variance; the Wards are contiguous; it maintains traditional neighborhoods; and it joins several neighborhoods, that have similar backgrounds, into the same Wards.

Vice Mayor Wright stated that he has not had any constituent reach out to say that they are unhappy with how their Ward is drawn, so he is excited to get to the public hearing section of the process. He is disinclined to change anything that would result in confusion for voters.

Councilmember Wilder encouraged citizens to reach out to their Council representatives and weigh in on each Scenario.

Councilmember Tweedy stated as an at-large representative, she would like to hear from citizens on their thoughts about the proposed scenarios.

Council decided to work out another Scenario labeled "Scenario D (new)" following major thoroughfares that staff will prepare and distribute alongside Scenario's A, B, and C for public input.

// In the matter of Roll Call, Agenda Item #4, Councilmember Nelson asked staff to look into a citizen inquiry regarding leaf pick-up on Link Road. Councilmember Wilder thanked Public Works staff for going above and beyond with helping a citizen with a neighborhood complaint who recently suffered the loss of

her husband. Mayor Dolan stated that she was in favor of utilizing the 2<sup>nd</sup> Floor Training Room for Work Sessions.

// The meeting was recessed at 6:47 p.m.

// City Council reconvened the meeting at 7:30 p.m. in the Council Chamber, City Hall. The following members were present:

Present: MaryJane Dolan, Beau Wright, Jeff S. Helgeson, J. Randy Nelson, Treney Tweedy,  
Sterling A. Wilder, Chris Faraldi 7

Absent: 0

Councilmember Faraldi gave the Invocation, followed by the Pledge of Allegiance.

// In the matter of Recognitions, Mayor Dolan recognized two members of the Mayor's Youth Council who were in attendance; Mr. Aiden White, a Senior at Heritage High School, and Mr. Dylan White, a Sophomore at Heritage High School.

// In the matter of the Consent Agenda Item A, Council conducted a second reading and adopted Resolution #R-22-005 amending the FY 2022 City/Federal/State Aid Fund budget and appropriating \$33,650 for the preservation of several records. On motion of Vice Mayor Wright, seconded by Councilmember Wilder, Council by the following recorded vote approved the motion:

Ayes: Dolan, Wright, Helgeson, Nelson, Tweedy, Wilder, Faraldi 7

Noes: 0

// In the matter of the Consent Agenda Item B, Council conducted a second reading and adopted Resolution #R-22-006 amending the FY 2022 City/Federal/State Aid Fund budget and appropriating \$20,768 to aid in youth affected by the COVID-19 pandemic. On motion of Vice Mayor Wright, seconded by Councilmember Wilder, Council by the following recorded vote approved the motion:

Ayes: Dolan, Wright, Helgeson, Nelson, Tweedy, Wilder, Faraldi 7

Noes: 0

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// In the matter of the Consent Agenda Item C, Council conducted a second reading and adopted Resolution #R-22-007 amending the FY 2022 City/Federal/State Aid Fund budget and appropriating \$42,532 for the purchase of two (2) Power Pro stretchers for the Fire Department. On motion of Vice Mayor Wright, seconded by Councilmember Wilder, Council by the following recorded vote approved the motion:

Ayes: Dolan, Wright, Helgeson, Nelson, Tweedy, Wilder, Faraldi 7

Noes: 0

// In the matter of Consent Agenda Items D and E, minutes from the November 9, 2021 and November 16, 2021 Council meetings, respectively, were previously pulled from the agenda to vote on at the next Council meeting.

// In the matter of Planning, Agenda Item #5, a public hearing was held and Council considered the adoption of Ordinance #O-22-012 approving the rezoning of four tenths (0.4) of an acre at 3629 Fort Avenue. Council was previously briefed on this item during its January 25, 2022 Business Item Briefings.

The petitioner, Ms. Megan Shields of True Healing Massage, was in attendance and made a presentation to Council. She stated that the two complaints heard from the Planning Commission were concerns about the changes to the neighborhood and the type of business in general. She explained that currently, the house sits vacant and the business will make cosmetic improvements to the existing building. She addressed the second complaint by stating the business has waivers to avoid certain types of behavior.

There was no one to speak in favor. Ms. Cari Ross spoke in opposition through an email sent previously to the Clerk of Council; her concerns were a) using a residential home as a business when there is a perceived housing shortage, b) a lack of adequate parking, c) the potential devaluing of the other homes in the neighborhood by adding a business next door.

Ms. Shields offered a rebuttal and explained there was enough parking in the driveway of the home for about seven vehicles and there was additional on-street parking near the property. She also stated that the home sat vacant for over a year when she began working with the seller.

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Mayor Dolan closed the public hearing and the matter rested with Council.

Councilmember Helgeson asked if there was a way to go about this development without rezoning, specifically if a conditional use permit could be issued in lieu of rezoning. Mr. Tom Martin, City Planner, replied that no, in order to have a massage therapy business with the number of employees they're proposing, a rezoning to B1 is the only way it can be achieved. He also commented that the Planning Commission and Planning Division thought that given the proximity of this house to other businesses, it would be a natural transition. Councilmember Helgeson asked to table the ordinance to garner more input from neighbors. He stated his concerns over the consequences the neighborhood would face if this home was rezoned, that eventually other homes in the neighborhood would follow suit, eroding the character of the neighborhood.

Vice Mayor Wright stated that he understood the "slippery slope" argument, but he is comfortable with the petition brought forward and made the motion to approve the ordinance.

Councilmember Tweedy seconded the motion, stating a small business would be compatible for that area given how close it is to the road and how other businesses surround the building.

Councilmember Faraldi asked that based on feedback he has seen, would Council be allowed to oppose a petition based on the type of business. City Attorney Mr. Matthew Freedman replied that Council could oppose a rezoning if there was proof or reason to believe that the type of business that would be located in the area would not be consistent with the businesses that were there, or if it may affect the safety and the welfare of the citizens in that particular location. Council could not oppose a rezoning simply because they did not like the type of business. Councilmember Faraldi asked staff to explain a comment made at the Planning Commission meeting about a digital sign. Mr. Martin explained that digital signs are not permitted in a B1 District and therefore would not be a concern.

Councilmember Nelson stated that this particular property is basically isolated and he did not think that rezoning the property would start a commercialization creep into the neighborhood. He stated that parking is a moot point because there is parking in the back of the property and on the street. He stated that he can't in good faith oppose the petitioner.

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Mayor Dolan stated that she is in support of the petition because the property is isolated from the neighborhood.

With no other discussion from Council, the following vote was recorded:

Ayes: Dolan, Wright, Nelson, Tweedy, Wilder, Faraldi 6

Noes: Helgeson 1

// In the matter of Schools, Agenda Item #6, Council conducted its first reading of Resolution #R-22-013 amending the FY 2022 General Fund budget and appropriating \$2,347,404 from the unexpended FY 2021 Schools Operating Fund appropriations for transfer to the FY 2022 Schools Operating Fund and to the FY 2022 Schools Capital Fund. Council was previously briefed on this item at its January 25, 2022 Business Item Briefings.

Councilmember Tweedy asked staff to explain why mobile classrooms are still being utilized. Mr. Steve Gatzke, Lynchburg City Schools (LCS) Senior Director for Finance and Operations, stated that this unit has outlived its useful life and needed to be replaced and that it is mainly resource classes being taught in these units. Councilmember Tweedy asked if it was being used due to lack of space in the actual school building for the classes. Mr. Gatzke replied that there is not a lot of room for an addition on the existing building and that an addition would be very expensive.

Councilmember Wilder asked how many classrooms are in the mobile unit; two, Mr. Gatzke replied.

Councilmember Nelson asked why there were funds to replace the chillers at Sandusky Elementary School when the long-range projection calls for that school to be rebuilt. Mr. Gatzke responded that the funds cover the replacement of a chiller that is nonfunctioning. Councilmember Nelson asked why there was funding to replace the plumbing at Sandusky Elementary School in the same year the school is slated to be rebuilt. Mr. Gatzke replied that the line item is a placeholder in the event the school is not rebuilt.

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Councilmember Tweedy asked how many vacant classrooms total there are in the elementary schools? Mr. Gatzke replied that it really depends; there are some classrooms in some schools that are under capacity and some classrooms in other schools that are over capacity. Councilmember Tweedy stated that she wanted the community to understand that consolidation is a much larger conversation than just closing down schools.

Councilmember Helgeson stated that he is not in favor of this; he does not think it's fiscally responsible to fix equipment in buildings that will be torn down in the near future. He would like to look into consolidating some of these buildings.

Vice Mayor Wright stated that the line items in the request are to further the quality of in-person learning. He stated that the Return to Fund Balance agreement disincentivizes the schools from spending their full allocation so that they may use the funds for one-time capital costs that largely the City would otherwise have to pay. He made the motion to approve the resolution. Councilmember Wilder seconded the motion.

Councilmember Tweedy stated that the City own's the buildings and have a responsibility for their upkeep.

Councilmember Faraldi stated that he is wary to commit significant funds to these buildings if they will be replaced in the near future. He would like to first see the facility study before committing these funds.

Ms. Donna Witt, Chief Financial Officer, stated that the funds for the Sandusky Elementary School indicated on the spreadsheet are a part of the CARES funding and have already been appropriated. There are no projects for that school in the Return to Fund Balance.

With no other discussion from Council, the following vote was recorded:

Ayes: Dolan, Wright, Nelson, Tweedy, Wilder 5

Noes: Helgeson, Faraldi 2

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// On motion of Councilmember Wilder, seconded by Vice Mayor Wright, Council, by the following recorded vote, elected to hold a closed meeting to discuss the settlement of pending litigation involving the City and the Lynchburg Police Department; and to discuss an appointment to the Lynchburg Community Action Group Board of Directors, pursuant to Section 2.2-3711(A)(7) and Section 2.2-3711(A)(1) of the Code of Virginia, 1950, as amended.

With no discussion from Council, the following vote was recorded:

Ayes: Dolan, Wright, Helgeson, Nelson, Tweedy, Faraldi 6

Noes: Wilder 1

*Councilmember Wilder noted that he voted 'no' by mistake.*

// The meeting was reopened to the public.

// Councilmember Helgeson made the following motion:

WHEREAS, the Council of the City of Lynchburg has convened a closed meeting on this date, pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act; and

WHEREAS, Section 2.2 3712 of the Code of Virginia requires a certification by City Council that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Lynchburg certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by Council.

The motion was seconded by Councilmember Wilder, and Council, by the following recorded vote, adopted the motion:

Ayes: Dolan, Wright, Helgeson, Nelson, Tweedy, Wilder, Faraldi 7

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Noes: 0

// On motion of Councilmember Helgeson, seconded by Councilmember Wilder, Council by the following recorded vote appointed the following members to the respective boards and commissions:

Lynchburg Community Action Group: Trae Watkins– unexpired term ending December 31, 2022.

As Chief Executive Officer of Lynchburg Community Action Group, Councilmember Tweedy abstained from the vote. With no other discussion, Council approved the appointment with the following recorded vote:

Ayes: Dolan, Wright, Helgeson, Nelson, Wilder, Faraldi 6

Noes: 0

Abstain: Tweedy 1

// The meeting adjourned at 9:59 p.m.

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Clerk of Council

February 22, 2022

// A regular meeting of the Council of the City of Lynchburg was held on the 22nd day of February, 2022, at 4:00 P.M. in the Council Chamber, City Hall, MaryJane Dolan, President, presiding. The following Members were present:

|   |   |
|---|---|
| Present: MaryJane Dolan, Beau Wright, Jeff Helgeson, J. Randy Nelson, Treney Tweedy,<br>Sterling A. Wilder, Chris Faraldi | 7 |
| Absent:   | 0 |

// In the matter of Community Development, Agenda Item #1, Ms. Rachel Frischeisen, City Planner II, presented Council with the Tyreeanna and Pleasant Valley Neighborhood Plan. The Tyreeanna and Pleasant Valley Neighborhood Plan is a product of the input received from neighborhood residents, citizen members of the project's Steering Committee, City of Lynchburg staff and the consultant firm Hill Studio working together to envision opportunities for sustainable growth in the neighborhood. The draft plan includes recommendations for recreation improvements for parks and trails, neighborhood gateway enhancements, as well as quality of life improvements in the neighborhood. The plan has been developed under the direction established by the City's Comprehensive Plan 2013 - 2030 to build strong neighborhoods; conserve the City's unique places and resources; promote business vitality; enhance the attractiveness of gateways and travel corridors; and protect the natural environment while also promoting sensitive development and redevelopment. To achieve this vision, the Tyreeanna and Pleasant Valley Neighborhood Plan is to be adopted as a supplement to the Comprehensive Plan 2013 - 2030. The presentation was for information only and no Council action was required.

Councilmember Wilder asked how the neighborhood received the plan overall. Ms. Frischeisen replied that the feedback received has been mixed; there have been some families that have lived in the neighborhood for generations and remember being annexed. Staff hope that investing in this neighborhood plan would help lay the foundation of working with the neighborhood. Councilmember Wilder stated that he is glad to see the plan include single-family homes since those developments do not always come forward. He wondered if there was an opportunity to bring in commercial development. He asked staff how long this plan would take to implement. Ms. Frischeisen referenced a matrix found in the back of the plan that identifies short-, mid-, and long-term goals of the plan.

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Councilmember Nelson stated that the lack of sewer connectivity in the neighborhood has always posed a problem. He asked how critical sewer is for all of the amenities, features, and commercial development aspects to the plan and what a cost estimate would look like. Ms. Frischeisen stated that the Department of Water Resources is currently working on a comprehensive plan that would identify all of the unsewered areas of the city and what it would take to get sewer to those areas, however, she did not want to speak for the department. He asked if all tenants in the neighborhood are on septic. Ms. Frischeisen replied that not all, but most tenants are.

Councilmember Helgeson stated that he was not comfortable with providing sewer and water hook-ups for new citizens when there are still neighborhoods in the community affected by the annexation that are without those amenities.

Councilmember Tweedy stated that she believes the investment in this community is long overdue and that Council and staff need to be creative in thinking of ways to fund this because it was worth the investment. She also noted that the plan included an RV park and that the nearest park currently is in Amherst County.

Councilmember Faraldi asked staff if there have been talks with connecting trails to the Liberty University trail system. Ms. Frischeisen stated that there had not been but that it was a good idea.

// In the matter of Planning, Agenda Item #2, Mayor Dolan opened the bidding process for the Colonnade Encroachment Franchise Agreement. As a result of the legal notice published in the News and Advance on January 27, 2022, and then again on February 4, 2022, the Clerk of Council Ms. Alicia L. Finney received one bid from Colonnade Partners, LLC. Mayor Dolan addressed the audience and asked if there were any additional bids offered; there were none and Mayor Dolan declared the bidding closed. Councilmember Tweedy made the motion to accept the sole bid, seconded by Vice Mayor Wright, and the following vote was recorded:

Ayes: Dolan, Wright, Helgeson, Nelson, Tweedy, Wilder, Faraldi 7

Noes: 0

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Mayor Dolan announced that a public hearing will be conducted on February 22, 2022, at 7:30 p.m. in Council Chamber to hear from members of the public regarding the adoption of an ordinance granting the franchise to the successful bidder.

// In the matter of Budget, Agenda Item #3, Council continued review of the FY 2023 – 2027 Capital Improvement Program (CIP) and Personal Property Tax Discussion. Deputy City Manager Dr. Reid Wodicka briefed Council on the CIP, and Commissioner of the Revenue Mr. Mitch Nuckles led Council through the Personal Property discussion.

Councilmember Nelson stated that he would like to see some of the projects that do not have a clear economic development tie be funded through other opportunities and not allocating money within the budget for them. For example, the stage at Riverfront Park, aside from the bathrooms, and the trail extensions from Peaks View Park to Ivy Creek Park. He explained that those funds could be reallocated to address sewer extensions to neighborhoods.

Councilmember Helgeson stated that the city is comprised of fifty square miles but a lot of the projects in the CIP focus on the downtown area. He proposed using the ARPA funds to fund the police headquarters. He also stated that if Council were to fund every project in the proposed CIP then that would leave no room in the budget to offer citizens any tax relief down the road.

Councilmember Tweedy stated that if a lot of the projects are centralized to downtown then it could be because it is the oldest part of the city with an aging infrastructure. She asked staff if it was possible to break down the plan based on neighborhoods so that citizens can visually understand where these funds are being spent and see that they are being spent across the city. Dr. Wodicka replied that staff would be able to put together.

Councilmember Wilder stated that the infrastructure in the downtown area is older and needs attention. He also stated that the area is a gateway to the city and investing in parks and recreation projects downtown helps keep people in the area.

Councilmember Faraldi asked why the approach of using all ARPA funds to fund the police headquarters was not feasible. Dr. Wodicka replied that staff were trying to spread the funds to multiple

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stakeholders and constituencies throughout the city. Councilmember Faraldi stated that he is not opposed to some of the projects that would bring economic development to the city, however, some of the residents were promised things a long time ago, like access to sewer, so he is interested in exploring what that might look like.

Vice Mayor Wright stated that this CIP comes with no tax burden to the citizens and is supportive of sprinkling ARPA funds for multiple projects that benefit citizens instead of using them all on the police headquarters.

Mr. Nuckles opened the floor for any questions or comments on utilizing a 75% ratio against the assessed value for personal property.

Councilmember Helgeson stated citizens build wealth by investing in assets that appreciate in value. He is appreciative of the personal property refund, but would like to see a rebate for real estate also.

Vice Mayor Wright stated that nobody expected cars to appreciate in value. He is appreciative of staff bringing this recommendation forward and if Council did not act to correct this, it would be at a total cost of a few million from the taxpayer.

Councilmember Faraldi stated that this is the fair and right thing to do for citizens. He stated for the record that he did not view this as a substitute for the real estate tax burden.

Councilmember Nelson stated that the proposal is equitable in that it will benefit more citizen because more people in the city own a vehicle than they do real estate.

Councilmember Wilder stated that he was in support of the proposal.

// In the matter of the Library, Agenda Item #4, City Manager Mr. Wynter C. Benda asked to table the discussion of the Unsolicited Proposal for the Branch Library discussion for the sake of time; Council agreed by consensus.

// In the matter of Planning, Agenda Item #5(a), Council was briefed on a Conditional Use Permit for the Spencer Pointe Apartments. City Planner Mr. Tom Martin provided Council with a summary of the

request. Woda Cooper Development, Inc. is petitioning for a CUP to allow the construction of a fifty-unit apartment development in a B-1, Limited Business District at 1700 Graves Mill Road. A CUP to allow the construction of fifty townhomes on the property was approved on August 11, 2009, but expired. The Planning Commission recommended Approval (4-0, with 2 members absent, Bowden, Perault) of the rezoning petition. The item will be brought back to Council for action at its March 8, 2022 Council meeting.

Councilmember Faraldi asked if there was any discussion by the Planning Commission in regards to the magnitude of the project. Mr. Martin replied that a traffic study was completed and determined the impacts to traffic would be negligible. Councilmember Faraldi stated that he liked that the back of the property would remain wooded and commented on being mindful of maintaining a natural look when developing more parts of the city. He stated that he does not think it is right to use B1 zoning for residential purposes and requested to have a conversation on this at a later date.

Councilmember Helgeson stated he is not in favor of having more rental apartments in a business zone.

// In the matter of Transportation, Agenda Item #5(b), Council was briefed on VDOT SMARTSCALE pre-applications for FY 2029. City Engineer Mr. Lee Newland provided Council with a summary of the request. In order to be able to submit projects for Round 5 of SMARTSCALE, the City is required to submit a list of proposed projects in the form of pre-applications to VDOT for review. For the FY 2029 SMARTSCALE process, staff has identified three potential projects. These projects come from various studies by VDOT and/or the MPO.

- A Candler's Mountain Road Study from University Boulevard to Sunnymead Road in Campbell County identified the offset intersection of Liberty Mountain Drive as a concern that needed to be addressed by aligning the two roads or another solution to be determined.
- A Potential Safety Improvement (PSI) Study identified the intersection of Langhorne Road, Rivermont Terrace and Vassar Street. A concept plan is underway, to include public outreach, to determine what is the best solution for this intersection.

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- A Corridor Study along Graves Mill Road identified an improvement to the bridge over 501. The improvement recommended is modifying it to a diverging diamond interchange, similar to Route 15 over I-64 in Zion Crossroads (attached).

It is required that City staff submit these projects as “pre-applications” several months prior to the formal application and as such, the item will return for Council action at a regular Council meeting either in June or July.

Councilmember Helgeson stated that he has heard from citizens on Vassar Street and Langhorne Road about not wanting a roundabout. Mr. Newland stated that there will be a public meeting to garner citizen input when determining the best solution.

// In the matter of Transportation, Agenda Item #5(c), Council was briefed on the Liberty Mountain Drive acceptance from Virginia Department of Transportation (VDOT). City Engineer Mr. Lee Newland provided Council with a brief summary of the request to approve a resolution asking the Commonwealth Transportation Board to transfer the street as an addition to the City’s Street Inventory. VDOT has requested that the City of Lynchburg formally accept into our street maintenance system two sections of road that are currently considered frontage roads in their system. These two sections are:

- A – B. Liberty Mountain Drive from Candler’s Mountain Road south to Liberty University Drive
- B – C. Liberty Mountain Drive from Liberty University Drive south to the end of public maintenance, approximately 0.25 miles from the City limits with Campbell County. This 0.25-mile section is currently maintained by LU and not VDOT. The City can work with LU and add it into our system next year.

The total length of these two sections is 0.92 miles, which would add 1.84 lane miles to the City street system. By taking these streets into the City system, the City will be responsible for any and all required maintenance including repaving, street lighting, mowing, snow removal, etc. If City Council approves the addition of these street sections, the Commonwealth Transportation Board will take action on this item at a future meeting. These streets have been reviewed by Public Works and are in relatively good condition. There is an area that will require maintenance and VDOT has agreed, by letter, to perform that

maintenance at no charge to the City. This is planned to be accomplished later this year. The item will appear before City Council for action at its March 8, 2022 meeting.

// In the matter of Roll Call, Agenda Item #6, Councilmember Tweedy thanked the organizers of the Martin Luther King, Jr. walk that had to be postponed originally due to inclement weather. Councilmember Faraldi encouraged citizens to research a grant the area's Veteran Council is hoping to obtain; he encouraged participants to engage on an issue the Department of Labor is considering regarding masking in the workplace. Councilmember Wilder also thanked the organizers of the Martin Luther King, Jr. walk; he asked staff to continue addressing challenges on Washington Street; he acknowledged a few events scheduled at both the Academy Center of the Arts and at the YWCA. Vice Mayor Wright thanked staff for their work with the Tyreeanna neighborhood plan. Mayor Dolan asked staff to prepare the adoption of the budget calendar for the regular City Council meeting scheduled for that night.

// The meeting was recessed at 6:17 p.m.

// City Council reconvened the meeting at 7:30 p.m. The following members were present:

|  |   |
|--|---|
| Present: MaryJane Dolan, Beau Wright, Jeff S. Helgeson, J. Randy Nelson, Treney Tweedy,<br>Sterling A. Wilder, Chris Faraldi | 7 |
| Absent:  | 0 |

Vice Mayor Wright gave the Invocation, followed by the Pledge of Allegiance.

// In the matter of Recognitions, Mayor Dolan recognized a member of the Mayor's Youth Council, Mr. Teddy Tharp, Junior at E.C. Glass, who was in attendance.

Mayor Dolan also proclaimed the month of February as Benefit Program Specialist Month, stating that Lynchburg's Benefit Programs Specialists have been at the forefront of public efforts to meet the needs of steadily maintaining a high rate of application processing and case management to ensure those qualified for social services benefits receive and continue to receive them. Director of Human Services Mr. Preston Sellers was in attendance to accept.

// Councilmember Wilder made the motion to amend the agenda to discuss two items not on the agenda: adoption of the FY 2023 Budget Calendar and meeting location changes, and the adoption of the

Personal Property Tax credit. Vice Mayor Wright seconded the motion. Council agreed to amend the agenda by consensus.

// In the matter of the Consent Agenda Item A, copies of the minutes of the November 9, 2021 Council meeting have been previously furnished to Council, and on motion of Councilmember Tweedy, seconded by Councilmember Wilder, Council by the following recorded vote approved the minutes as presented:

Ayes: Dolan, Wright, Helgeson, Nelson, Tweedy, Wilder, Faraldi 7

Noes: 0

// In the matter of the Consent Agenda Item B, copies of the minutes of the November 16, 2021 Legislative meeting have been previously furnished to Council, and on motion of Councilmember Tweedy, seconded by Councilmember Wilder, Council by the following recorded vote approved the minutes as presented:

Ayes: Dolan, Wright, Helgeson, Nelson, Tweedy, Wilder, Faraldi 7

Noes: 0

// In the matter of a Franchise Agreement, Agenda Item #7, a public hearing was held and Council considered adopting Ordinance #O-22-014 granting a non-exclusive limited franchise to Colonnade Partners, LLC, to permit certain encroachments into the city public rights-of-way of Rotunda Street and Colonnade Street and into a drainage easement held by the city.

There was no one to speak in favor or opposition, either by phone, email, or in-person, so the public hearing was closed and the matter rested with Council.

Vice Mayor Wright made the motion to approve the ordinance, stating this was the only bid received and he believes it to be a reasonable one. Councilmember Tweedy seconded the motion.

With no other discussion from Council, the following vote was recorded:

Ayes: Dolan, Wright, Helgeson, Nelson, Tweedy, Wilder, Faraldi 7

Noes: 0

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// In the matter of Public Comment Item A, Council heard from Ms. Vickie Craig, speaking on behalf of the group Central Virginia Alliance for Community Living, who recognized the Lynchburg Sheriff's Department who were key partners for the agency in the holiday gift program, "Elves for Elders".

// In the matter of Public Comment Item B, Council heard from Mr. Gary Taylor who addressed Council on schools in Virginia, Lynchburg City Schools' budget as it pertains to salaries, and school boards. He provided Council with handouts regarding his topics of discussion and gave a brief overview of the materials. He asked Council to consider requesting the Lynchburg City School Board adjust the teacher salary gap as compared to other localities to put it into proper perspective.

// In the matter of City Code, Agenda Item #8, Council considered adopting Ordinance #O-22-015 amending and reenacting Section § 37-109 of the City Code related to taxicab rates permitted within the City. Council was previously briefed on this item during its December 14, 2021 Business Item Briefings.

Councilmember Faraldi asked if there was any consideration on behalf of the City as to the justification for being involved in this regulation. Mr. Hughes responded that the request stemmed from safety issues. Councilmember Faraldi stated he would vote no on principal; he does not think the City should be involved with the process because as business owners and that cab companies should set rates without the input of Council.

Councilmember Wilder made a motion to approve the ordinance, stating that since the four taxicab owners are all in agreement and want this change, he supports it. Councilmember Tweedy seconded the motion, thanking the cab companies and their owners for working together.

Councilmember Helgeson stated that voting in favor of this would affect the price citizens would have to pay and stated that Council should be promoting competition among the businesses to help drive prices down.

Councilmember Nelson stated that he would be supporting this motion because without regulation, bigger companies would drive out the smaller businesses.

Vice Mayor Wright stated that there is a certain amount of public safety associated with this ordinance and that the police department would like to be involved with the verification and certification of taxi drivers. He stated his support with adjusting the rates to keep up with inflation.

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Mayor Dolan stated that she is in support of the motion since it is a request for an immediate change and that she would be in favor of a conversation in the future on whether or not government should be involved with setting the rates.

With no other discussion from Council, the following vote was recorded:

Ayes: Dolan, Wright, Nelson, Tweedy, Wilder 5

Noes: Helgeson, Faraldi 2

// In the matter of Schools, Agenda Item #9, a second reading was conducted of Resolution #R-22-013 amending the FY 2022 General Fund budget and appropriating \$2,347,404 from the unexpended FY 2021 Schools Operating Fund appropriations for transfer to the FY 2022 Schools Operating Fund and to the FY 2022 Schools Capital Fund.

Vice Mayor Wright made the motion to approve the resolution, seconded by Councilmember Nelson who stated that there is a need for these resources.

Councilmember Helgeson stated that he will be voting against this since this money will be going into a reserve that the schools will determine how to spend at a later date. He would rather see the funds in a City reserve.

With no other discussion from Council, the following vote was recorded:

Ayes: Dolan, Wright, Nelson, Tweedy, Wilder 5

Noes: Helgeson, Faraldi 2

// In a matter of an item not on the agenda, Personal Property Tax credit, Councilmember Faraldi made the motion to adopt Resolution #R-22-016 approving the Personal Property Tax credit, seconded by Councilmember Nelson.

Councilmember Helgeson stated that he is in support of this resolution and hopes that Council can find a way to offer a Real Estate Tax rebate as well.

With no other discussion from Council, the following vote was recorded:

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Ayes: Dolan, Wright, Helgeson, Nelson, Tweedy, Wilder, Faraldi 7

Noes: 0

// In the matter of an item not on the agenda, FY 2023 Budget Calendar, Mayor Dolan read the following Resolution #R-22-017:

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LYNCHBURG:

1. That the portion(s) of the Lynchburg City Council's Rules of Procedure relating to the location of the work session portion of the said Council's regular meetings is hereby suspended through April 5, 2022. All other parts of said Rules of Procedure shall remain in full force and effect.
2. That, with the exception of the March 22, 2022, work session portion of the Lynchburg City Council's regular meeting, the Lynchburg City Council's work session portion of its regular meetings shall be held in the 2<sup>nd</sup> Floor Training Room of the City Hall, at 4:00 p.m., through April 5, 2022. The March 22, 2022, work session portion of the Lynchburg City Council's regular meeting shall be held at the Lynchburg Regional Business Alliance, 300 Lucado Place, Lynchburg, VA 24504 at 4:00 p.m.
3. That, as shown on Exhibit "A", identified as the City of Lynchburg Budget Calendar FY 2023, incorporated herein by reference, the following additional meetings of the Lynchburg City Council are hereby scheduled pursuant to the said Rules of Procedure and applicable Virginia law(s):
  - A. March 22, 2022, 7:00 p.m. - 7:30 p.m., Council Chamber - City Hall: Public Hearing  
FY2023 Proposed Budget
  - B. March 24, 2022, 4:00 p.m. - 6:00 p.m., 2<sup>nd</sup> Floor Training Room - City Hall: Work Session
  - C. March 29, 2022, 4:00 p.m. - 6:00 p.m., 2<sup>nd</sup> Floor Training Room - City Hall: Work Session  
March 29, 2022, 7:00 p.m., Council Chamber - City Hall: Public Hearing  
Water Resources Rate Study
  - D. March 31, 2022, 4:00 p.m. - 6:00 p.m., 2<sup>nd</sup> Floor Training Room - City Hall: Work Session
  - E. April 5, 2022, 4:00 p.m. - 6:00 p.m., 2<sup>nd</sup> Floor Training Room - City Hall: Work Session
4. That the Clerk of Council shall notify the public and media of the above shown changes in the said Council's regular meetings and the additional meetings in accordance with Virginia law.
5. That this Resolution shall be effective on March 9, 2022.

Councilmember Helgeson stated that he is not supportive of adding the additional Thursday meetings, citing some scheduling conflicts, and stated that he will not be present at those meetings. He stated that he is not supportive of the location change to the 2<sup>nd</sup> Floor Training Room since it seems more closed off to the public.

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Vice Mayor Wright made the motion to approve the resolution stating he is in favor of trying out an accelerated budget schedule and is supportive of the location change in hopes that it would allow for a more conducive conversation surrounding the budget. Councilmember Tweedy seconded the motion.

Councilmember Nelson stated that his reservations with moving the meeting to the 2<sup>nd</sup> Floor Training Room have to do with the comfort of the public. The space is smaller than Council Chamber and any member of the public who are still trying to socially distance might not be able to comfortably do so in the 2<sup>nd</sup> Floor Training Room.

With no other discussion from Council, the following vote was recorded:

Ayes: Dolan, Wright, Tweedy, Wilder, Faraldi 5

Noes: Helgeson, Nelson 2

// On motion of Councilmember Tweedy, seconded by Councilmember Wilder, Council, by the following recorded vote, elected to hold a closed meeting to discuss and consider information and negotiations relating to the City's construction of a new police headquarters and acquisition of land for the same under the authority of the Public-Private Education Facilities and Infrastructure Act of 2002, pursuant to §§ 2.2-3705.6(11), 2.2-3711(6), and 2.2-3711(3) of the Code of Virginia, 1950, as amended

Councilmember Helgeson stated that he will be voting in opposition to the closed session because he wanted to hold the session in the Council Chamber conference room, not Council Chamber.

Ayes: Dolan, Wright, Nelson, Tweedy, Wilder, Faraldi 6

Noes: Helgeson 1

// The meeting was reopened to the public.

// Councilmember Helgeson made the following motion:

WHEREAS, the Council of the City of Lynchburg has convened a closed meeting on this date, pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act; and

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WHEREAS, Section 2.2 3712 of the Code of Virginia requires a certification by City Council that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Lynchburg certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by Council.

The motion was seconded by Councilmember Wilder, and Council, by the following recorded vote, adopted the motion:

|  |   |
|--|---|
| Ayes: Dolan, Wright, Helgeson, Nelson, Tweedy, Wilder, Faraldi | 7 |
| Noes:  | 0 |

// The meeting adjourned at 8:57 p.m.

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Clerk of Council

March 8, 2022

// A regular meeting of the Council of the City of Lynchburg was held on the 8th day of March, 2022, at 4:00 P.M. in the Council Chamber, City Hall, MaryJane Dolan, President, presiding. The following Members were present:

Present: MaryJane Dolan, Beau Wright, Jeff Helgeson, J. Randy Nelson, Treney Tweedy,  
Sterling A. Wilder, Chris Faraldi 7

Absent: 0

// In the matter of Schools, Agenda Item #1, Council received a feasibility report on the work conducted thus far by the Task Force on the Future of Education in the City of Lynchburg: PreK-12 and Beyond (Task Force). This report came at the direction of City Council at its January 25, 2022 meeting where Council voted to have the Task Force assess the feasibility of completing the assignments contained in the Task Force's original Charter and to also report to City Council any other concerns that may affect its findings. Dr. Michael Gillette, Chair of the Task Force, provided Council with the report.

Councilmember Tweedy stated that she was hoping to get a report of the work already completed to see if there is a need of the group to move forward. She stated that Council does need to take ownership since the City owns the school buildings and it is well-positioned to make decisions regarding the buildings. The Task Force was created to address challenging issues, but now with the facility study almost complete, Council is able to make the decisions without the Task Force shouldering the responsibility. Councilmember Tweedy mentioned a possible fourth option; to create a community engagement and outreach effort from the existing Task Force membership.

Councilmember Helgeson stated he sees the value in the Task Force in that it can be separate entity to ask tough questions of the school system. He would like the Task Force to figure out how to stay away from distance learning. He thinks the charter is fine; Dr. Gillette responded that the original charter does give latitude to conduct the work unless Council directs the Task Force to pursue a different direction.

Councilmember Wilder stated that School Board members normally get exit interviews from staff and faculty and perhaps the board could share those with City Council. He proposed that Council put a

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pause on the Task Force and wait until after the facility study report from Dominion 7 and the joint School Board meeting to decide the fate of the Task Force.

Councilmember Nelson stated that the community needs the outcomes the Task Force can deliver. He asked Dr. Gillette if the Task Force, with all of its resources, talents, insights, and perspectives, can complete the work prescribed without City staff contributing at the same level as before. Dr. Gillette replied that he does not foresee a lot of staff involvement because of some of the work that will come out of the facilities report, but will need administrative support. Councilmember Nelson stated that he would like to see no more detours; let the Task Force finish their work and report out to Council so that Council can take ownership and be beneficiaries of their efforts. Keeping the Task Force in hiatus by waiting to talk about it in the joint meeting is just wasting time.

Dr. James Coleman, School Board Chair, prefaced his comments by stating he was representing himself as an individual member of the School Board. The board took action in June of 2021 supporting the addition of broadband and mental health dynamics in the Task Force original charter. In January of 2022, the board passed a resolution affirming the work of the Task Force. He also commented that the full Steering Committee of the Task Force was not involved with the report out to Council.

Vice Mayor Wright stated that the fourth option of reconstituting the Task Force members with a tailored scope allows Council to leverage community engagement and input, especially in respect to the facility study.

Councilmember Faraldi stated that he thinks the Task Force has what it needs to get moving right now. He stated that the membership of the Steering Committee in regards to Council should be reconsidered.

Councilmember Faraldi and Vice Mayor Wright asked if this particular item could be put on the joint School Board/City Council meeting scheduled for March 22, 2022, so that both governing bodies could address the topic together. Council agreed by consensus to add this item on the joint Schools/Council meeting agenda.

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// In the matter of the Library, Agenda Item #2, Council received a presentation from Ms. Beverly Blair, Director of Libraries, on an unsolicited proposal that would expand the Lynchburg Public Library system through a public-private partnership. Jones Lang LaSalle (JLL) submitted an unsolicited proposal to the City that outlined an opportunity to open a new library branch at River Ridge. JLL will invest \$1 million to create the space with a 5-year lease and an additional 5-year option. Ms. Beverly provided Council with two options:

1. Maintain three library locations (Main Library, Downtown Branch, River Ridge)
2. Maintain two library locations (Main Library, River Ridge)

Councilmember Helgeson stated that he prefers Option 2 because this helps magnify the ability for other folks to be using the library, and it helps to have a good win-win partnership with the mall.

Councilmember Wilder stated before Council makes any plans to close the Downtown Branch, he would like to have public input on the matter.

// In the matter of the Strong Neighborhoods Alliance, Agenda Item #3, Dr. Reid A. Wodicka provided Council with an overview of the program. The Strong Neighborhoods Alliance is an internal working team designed to improve neighborhood and community engagement, learn about strengths and challenges in individual neighborhoods, and more quickly address neighborhood concerns. This team was designed to conduct community engagement from a data-informed and relationships-driven approach designed to strengthen trust and cooperation between City residents and City employees. Additionally, this team is designed to build relationships with the neighborhood residents in anticipation of beginning more formal neighborhood planning efforts in subsequent years. Ultimately, the processes are designed to increase the speed with which the City responds to concerns, build stronger relationships, and provide an opportunity for City staff to develop a sense of buy-in for the community outcomes in individual neighborhoods. City staff began a pilot engagement in the southern section of the Diamond Hill neighborhood and conducted a series of public engagement activities. This area is defined as Buchanan Street to Monroe Street and 12<sup>th</sup> Street to the Lynchburg Expressway. Through this process, City staff have gathered information, responded to requests for action from the neighborhood where possible, and have identified challenges that require City action. This process and several of these findings was

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discussed during the presentation, along with more pressing actions needed for long-term the success of the neighborhood.

// In the matter of Community Development, Agenda Item #4, Mr. Kent White, Director of Community Development, provided Council with an overview of strategies to address neighborhood blight. This stemmed from the listening sessions in Diamond Hill during the Strong Neighborhood Alliance pilot program. A recurring theme was the impact of derelict housing and blight had on the neighborhood as a whole. This feedback is consistent with concerns expressed in other neighborhood planning efforts and complaints that City Council and staff receive. Council has regularly requested updates on progress and strategies to address these conditions. At the direction of the City Manager, the departments of Community Development, Finance, Economic Development, Tourism and Museums, the City Attorney, the City Assessor and Lynchburg Redevelopment and Housing Authority have jointly developed recommendations for Council's consideration. In formulating these strategies, staff has explored new legislation adopted by the Virginia General Assembly along with the expertise and experiences of neighbors, housing partners, real estate professionals and former City officials. Staff requested direction from Council on making changes to City Code, as appropriate.

Councilmember Wilder stated that as the representative of Ward 2, he is excited to be addressing a lot of these neighborhood concerns.

Councilmember Helgeson asked if there was the ability to get some funding from the Community Development Block Grant to address blighted properties. Mr. White replied that the housing authority has put forward two proposals one for infill housing and one for new build, but there are not that many properties that are in the public control right now.

Vice Mayor Wright asked how nonjudicial sales figure into historic guidelines, does this then get bestowed upon the new owners. Mr. White explained the new owner is still responsible to follow all historic guidelines. Vice Mayor Wright asked if a lot of owners are dissuaded from buying these properties because it is so cost prohibited to meet the historic district requirements and is Council permitted to waive those requirements, or at least some of them. Mr. White stated that staff will provide more information on that topic at a later date, but generally, potential buyers don't appear to be dissuaded from purchasing these types of properties in the historic districts.

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// In the matter of Redistricting, Agenda Item #5, Council continued its review of base maps for adjusting ward boundaries. Mr. Tom Martin, City Planner, suggested a timeframe for redistricting, reviewed Scenarios, A, B, and C, discussed a new Scenario D, reviewed the standard deviation for each scenario, reviewed the efforts to receive public input, and reviewed next steps.

Councilmember Helgeson said his main goal is to have minimal impact to citizens in regards to where they vote. Scenarios A, B, and D are all very similar in regards to Ward III. He would like to see Scenario C off the table because it would impact citizens the most.

Councilmember Faraldi stated the Council should not be the ones to decide where to draw the line, but should be considering how communities of interest and demographics are being split apart. And council should be operating with maps with natural or transportation boundaries that make sense so it's easily identifiable. Furthermore, as certain areas continue to develop, the next standard deviation will be dramatically higher and those cuts will be drastic.

Councilmember Nelson still likes Scenario C because it follows the criteria that prevents gerrymandering to take place.

Councilmember Wilder urged the community provide more feedback.

Mr. Martin explained that staff are hoping that by April, Council will be able to direct staff with a final scenario.

// In the matter of Community Development, Agenda Item #6(a), Ms. Melva Walker, Grants Manager, briefed Council on the FY 2023 allocation of Community Development Block Grant (CDBG) and HOME Program funds. The Community Development Advisory Committee (CDAC) met on February 23, 2022 and reviewed the applications that were submitted. The following lists of projects have been recommended for funding by the CDAC:

CDBG PROJECTS RECOMMENDED FOR FUNDING BY CDAC\*:

| PROJECT   | CDAC RECOMMENDATION |
|---|---------------------|
| City Administration   | \$137,090.00        |
| Jefferson Park Revitalization Improvements                  | \$240,000.00        |
| Tinbridge Hill Neighborhood Pedestrian Improvements-Phase 2 | \$125,000.00        |
| Diamond Hill Neighborhood Plan and Improvement Project      | \$87,602.40         |

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|   |              |
|---|--------------|
| Lynchburg Redevelopment & Housing Authority (LRHA) – Enhance & Preserve (LEAP) Rehabilitation | \$100,000.00 |
| LRHA – Rental Rehabilitation Program  | \$30,000.00  |
| Miriam’s House/CVCoC Coordinated Homeless Intake and Access (CHIA)                            | \$65,000.00  |
| Boy Scouts of America – blue Ridge Mountain Council-Scoutreach                                | \$15,440.00  |
| Total – CDBG  | \$800,132.40 |

\*NOTE: DUE TO THE FACT THAT HUD HAD NOT PROVIDED THE FINAL ENTITLEMENT ALLOCATIONS FOR THE ANNUAL ACTION PLAN FOR FEDERAL FISCAL YEAR (FY) 2022; IT WAS THE RECOMMENDATION OF CDAC THAT ANY INCREASE IN THE ACTUAL FEDERAL FY 2022 CDBG ENTITLEMENT AMOUNT WOULD BE APPLIED TO THE DIAMOND HILL NEIGHBORHOOD PLAN AND IMPROVEMENT PROJECT; AND ANY DECREASE IN THE ACTUAL FEDERAL FY 2022 CDBG ENTITLEMENT AMOUNT WOULD BE APPLIED TO THE DIAMOND HILL NEIGHBORHOOD PLAN AND IMPROVEMENT PROJECT.

HOME PROJECTS RECOMMENDED FOR FUNDING BY CDAC\*\*:

| PROJECT   | CDAC RECOMMENDATION |
|---|---------------------|
| City Administration   | \$33,000.00         |
| Rush Lifetime Homes - Florida Terrace Rental Housing (CHDO) | \$200,000.00        |
| Habitat for Humanity - Knott Street Development             | \$152,865.00        |
| LRHA- HOME for Good   | \$ 86,840.21        |
| Total – HOME  | \$472,705.21        |

\*\*NOTE: DUE TO THE FACT THAT HUD HAD NOT PROVIDED THE FINAL ENTITLEMENT ALLOCATIONS FOR THE ANNUAL ACTION PLAN FOR FEDERAL FISCAL YEAR (FY) 2022; IT WAS THE RECOMMENDATION OF CDAC THAT ANY INCREASE IN THE ACTUAL FEDERAL FY 2022 HOME ENTITLEMENT AMOUNT WOULD BE APPLIED TO THE LRHA HOME FOR GOOD PROJECT; AND ANY DECREASE IN THE ACTUAL FEDERAL FY 2022 HOME ENTITLEMENT AMOUNT WOULD BE DIVIDED EQUALLY TO THE FLORIDA TERRACE RENTAL HOUSING AND KNOTT STREET DEVELOPMENT PROJECTS.

This item will be brought back for Council action on March 22, 2022.

// In the matter of Roll Call, Agenda Item #7, Councilmembers Nelson, Tweedy, Helgeson, and Faraldi had no items. Councilmember Wilder commended Heritage High School for their production of Wizard of Oz; he recognized the Heritage High School girls track team for the accomplishments at the state level; he asked Council to consider looking into enforcing time limits on each member during discussion of topics so that all members have a shared opportunity during discussions. Vice Mayor Wright asked staff to look into renaming Dunbar Drive to honor former principal CW Seay; he also asked to receive more

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information regarding the City's benefit package as it pertains to parental leave. Mayor Dolan recognized International Women's Day.

// The meeting was recessed at 6:34 p.m.

// City Council reconvened the meeting at 7:30 p.m. The following members were present:

Present: MaryJane Dolan, Beau Wright, Jeff S. Helgeson, J. Randy Nelson, Treney Tweedy,  
Sterling A. Wilder, Chris Faraldi 7

Absent: 0

Councilmember Tweedy gave the Invocation, followed by the Pledge of Allegiance.

// In the matter of Recognitions, Mayor Dolan recognized two members of the Mayor's Youth Council who were in attendance; Miss Sameria Lamberth, Junior at Heritage High School, and Mr. Marcus Gafford, Sophomore at Heritage High School.

// In the matter of the Consent Agenda Item A, copies of the minutes of the December 14, 2021 meeting have been previously furnished to Council, and on motion of Councilmember Wilder, seconded by Vice Mayor Wright, Council by the following recorded vote approved the minutes as presented:

Ayes: Dolan, Wright, Helgeson, Nelson, Tweedy, Wilder, Faraldi 7

Noes: 0

// In the matter of Planning, Agenda Item #8, a public hearing was held and Council considered adopting Resolution #R-22-018 approving a Conditional Use Permit to allow the construction of fifty (50) townhomes at 1700 Graves Mill Road. Council was previously briefed on this item during its February 22, 2022 Business Item Briefings.

Mr. Parker Zee provided Council with a presentation outlining the petition. There was no one to speak in favor, either by phone, email, or in person. Citizens Cameron White, Nathan McMurray, and Ricky Templeton submitted emails to the Clerk of Council opposing the development stating that it would result in negative traffic patterns such as additional buildup on Timberlake Road which would hinder city services including public safety. Mr. Zee offered a rebuttal stating that additional traffic is low-impact and

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the construction allows for right-in, right-out access which should help the flow of traffic. Mayor Dolan then closed the public hearing.

Councilmember Faraldi stated that he liked the forestry that was being preserved behind the development, but the right-in, right-out access would impact the current homes in that area and made the motion to deny the CUP.

Councilmember Helgeson seconded the motion stating he does not feel comfortable approving a CUP that has previously expired and one that would make the property a higher density. He also stated that this is zoned for business and the property could be home to a business that would like to relocate to the area.

Councilmember Wilder asked how many apartments legally can be built on the property. Mr. Martin replied that since the CUP expired, no apartments can be built. Stand alone residential uses have to have a CUP approved by Council. The only thing that could be done on this property is business use. Councilmember Wilder asked Mr. Zee if there are any other prospects for the property other than this development; he replied that there were no other prospects at this time.

Councilmember Nelson asked if the FLUM allows for multi-family housing; Mr. Martin explained that the FLUM was done at the same time as the original CUP and does call for medium-density residential. Councilmember Nelson asked what the maximum number of units could be developed under the FLUM. Mr. Martin replied that it recommends up to 12 units per acre, and the property is roughly 10 acres. Councilmember Nelson stated this proposal has only 50 apartments, preserves a portion of the land in a natural vegetative state, and has traffic controlling features. Also, the development is far away enough from Timberlake Road and Graves Mill Road and that traffic in those corridors should not be impacted. He is in support of the development and will be voting no to the current motion.

Mayor Dolan stated that theoretically, a business could be built on the property currently, and would generate more traffic flow. She stated this development would bring affordable housing options for residents.

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Councilmember Tweedy asked what the normal rent would be; Mr. Zee replied that rent for the 2-bedroom units would be around \$380 - \$875, and the 3-bedrooms would be around \$432 - \$1000 depending on the area median income designation.

With no other discussion from Council, the following vote was recorded:

Ayes: Helgeson, Faraldi 2

Noes: Dolan, Wright, Nelson, Tweedy, Wilder 5

Vice Mayor Wright made the motion to approve the resolution, stating that the Planning Division and Planning Commission both recommended approval, a traffic study had been conducted and found minimal impact, the development is for affordable housing which the community needs, the proposal is not hugely out of character for the area, it would preserve a fair amount of land, and the business use would engender more traffic than would this proposal. Councilmember Nelson seconded the motion. With no discussion from Council, the following vote was recorded:

Ayes: Dolan, Wright, Nelson, Tweedy, Wilder 5

Noes: Helgeson, Faraldi 2

// In the matter of Planning, Agenda Item #9, a public hearing was held and Council considered adopting a resolution approving the Tyreeanna and Pleasant Valley Neighborhood Plan as part of the City of Lynchburg's Comprehensive Plan 2013 – 2030. Council was previously briefed on this item during its February 22, 2022 Business Item Briefings.

There was no one to speak in favor. Mr. Jordan Tillas stated that he is not necessarily opposed to the whole plan, such as the outdoor spaces and sidewalks, but did not like the idea of using plots of land for residential redevelopment citing that one of the main attractors of the area is its rural aspects. Mr. Lorenzo Megginson stated that the city has changed its goals and plans for the Tyreeanna Pleasant Valley Neighborhood Plan too much and is now not beneficial to the resident community. There was no correspondence submitted either by phone or email, so the public hearing was closed and the matter rested with Council.

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City Council, by consensus, tabled the item and directed staff to conduct a more robust public engagement process.

// In the matter of the Police Department, Agenda Item #10, a public hearing was held to garner citizen input on the Public-Private Education Act (PPEA) proposals received for the Lynchburg Police Department headquarters building project. Police Chief Mr. Ryan Zuidema provided Council with a brief summary. In March 2021, the City of Lynchburg received an unsolicited PPEA proposal from English Construction for the Lynchburg Police Department (LPD) headquarters building project. After review and determination that the proposal met all requirements, the City chose to consider the proposal and advertised for competing proposals. One other proposal was received from Jamerson-Lewis Construction in May 2021.

There was no one to speak in favor or opposition, either by phone, email, or in-person, so the public hearing was closed. No action was required from Council.

// In the matter of the Registrar's Office, Agenda Item #11, a public hearing was held and Council considered adopting Ordinance #O-22-019 amending Section § 14-35 of the City Code moving the voting location for Ward IV, Precinct 1, from Crosspoint Community Church to St. Thomas More Catholic Church. Mr. David Neumeyer, Electoral Board Chair, provided Council with a summary of the request. Crosspoint Church is the current polling location for Ward IV, Precinct 1 however, the church no longer wishes to be a polling location effective immediately. St. Thomas More Catholic Church has agreed to serve as a polling location for Ward IV, Precinct 1.

There was no one to speak in favor or opposition, either by phone, email, or in-person, so the public hearing was closed and the matter rested with Council.

Vice Mayor Wright made a motion to approve the ordinance, seconded by Councilmember Faraldi. With no discussion from Council, the following vote was recorded:

Ayes: Dolan, Wright, Helgeson, Nelson, Tweedy, Wilder, Faraldi 7

Noes: 0

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// In the matter of Public Comment (A), Citizen Denise Scruggs addressed Council regarding improvements at the Templeton Center and commended the Parks and Recreation staff for the robust programming for the city's 50+ year old residents.

// In the matter of Budget, Agenda Item #12, City Manager Mr. Wynter C. Benda presented the FY 2023 Proposed Budget. Mr. Benda outlined several priorities that the proposed budget addressed: Public Safety, Infrastructure, Lifelong Learning, Economic Development, and Quality of Life. He outlined the next steps in the budget process which included several public outreach events, a joint meeting with the Lynchburg City Schools, and a public hearing on the proposed budget and another on the Water Resources rates.

// In the matter of Engineering, Agenda Item # 13, Council considered adopting Resolution #R-22-020 requesting the transfer of Liberty Mountain Drive as an addition to the City's street inventory. Council was previously briefed on this item during its February 22, 2022 Business Item Briefings.

Vice Mayor Wright made the motion to approve the resolution, seconded by Councilmember Wilder. With no other discussion from Council, the following vote was recorded:

Ayes: Dolan, Wright, Helgeson, Nelson, Tweedy, Wilder, Faraldi 7

Noes: 0

// In the matter of Planning, Agenda Item #14, Council considered adopting Resolution #R-22-021 supporting the Virginia Housing Loan Funding for Spencer Pointe Apartments. City Planner Mr. Tom Martin provided Council with a summary of the request. Mr. Nick Surak has requested that City Council adopt a resolution that would allow Woda Cooper Companies, Inc. (developer) to apply for tax credit funding from Virginia Housing (formerly Virginia Housing Development Authority). The project would consist of fifty (50) apartment units and be located at 1700 Graves Mill Road. The property is zoned B-1, Limited Business District. Apartments are a permitted use in this district upon approval of a conditional use permit by City Council. City Council adopted the Analysis of Impediments to Fair Housing Choice (AI) on June 23, 2020. The document lists "location and type of affordable housing" as a factor impeding housing choice. Providing more housing choices in more areas across the City could increase the

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accessibility and affordability of housing in Lynchburg. The proposed project would be 100% affordable and offer 50 units in 2 and 3-bedroom configurations. The area median income (AMI) for the Lynchburg area is \$73,700. These units would be offered at the 30% AMI (5 units), 40% AMI (8 units), 50% AMI (12 units), and 80% AMI (21 units) rent and income levels. This equates to an income range of \$15,480 up to \$58,960 for a family of 4, compared to the Lynchburg area's average income of \$73,700. The developer's market study indicated that there are over 3,600 City residents that would qualify for this development, a capture rate of 1.4%, which is indicative of substantial need.

Vice Mayor Wright asked if this would obligate the City financially in any way, or rather is this strictly so they could apply for an application which they may or may not receive approval of; Mr. Martin replied that was correct. Vice Mayor Wright made the motion to approve the resolution, seconded by Councilmember Nelson.

Councilmember Faraldi asked what the Letter of Support would entail, either supporting the financial piece or support the project in general. Mr. Parker Zee, representing the Woda Cooper Companies, Inc., explained that essentially the letter would support the proposal.

With no other discussion from Council, the following vote was recorded:

Ayes: Dolan, Wright, Nelson, Tweedy, Wilder 5

Noes: Helgeson, Faraldi 2

// The meeting adjourned at 9:12 p.m.

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Clerk of Council

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// A joint meeting of the Council and the School Board of the City of Lynchburg was held on the 22nd day of March, 2022, at 4:00 P.M. at the Lynchburg Regional Business Alliance, MaryJane Dolan, President, presiding. The following Members of Council were present:

Present: MaryJane Dolan, Beau Wright, Jeff Helgeson, J. Randy Nelson, Treney Tweedy, Sterling A. Wilder, Chris Faraldi 7

Absent: 0

The following Members of the School Board were present:

Present: James E. Coleman, Sharon Y. Carter, Robert O. Brennan, Susan D. Morrison, Randy T. Trost, Gary E. Harvey, Kimberly A. Sinha, Atul Gupta, Michael J. Nilles 9

Absent: 0

// In the matter of Introductions, Agenda Item #1, Mayor Dolan gave opening remarks and welcomed City staff and School Board Members. Lynchburg City Manager, Mr. Wynter C. Benda, gave an introduction and asked Ms. Donna Witt, Chief Financial Officer, to provide an overview on the increases from the 2021 budget to the 2022 budget.

Ms. Witt provided a brief summary of the proposed budgets. The City's full budget is \$595,000,000 and within this amount is the Lynchburg City School's full budget. The increase of 37% from the 2021 budget includes the City capital of \$79,000,000 which includes the City's and the Schools buildings and/or assets. \$32,000,000 of this is a part of the City's ARPA funds that has supported the capital fund. \$55,000,000 of the City capital is from the City's Water Resources capital funds. Of this, \$25,000,000 is ARPA funds and another \$25,000,000 is the Virginia Clean Water Revolving Loan Fund. \$8,000,000 is in the general fund and goes towards the City's public safety. \$28,000,000 is a part of the Lynchburg City Schools component union. Ms. Witt concluded by clarifying to Councilmembers and School Board Members that a part of this 37% increase is going towards Lynchburg City Schools budget.

// In matter of Budget, Agenda Item #2, Dr. James E. Coleman, Chair of the Lynchburg City School Board, made opening remarks and summarized the importance of the resources for Lynchburg City Schools in the comprehensive development of the children of Lynchburg City. Dr. Coleman introduced Dr. Crystal Edwards, Superintendent of Schools.

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Dr. Edwards summarized the schools and programs that Lynchburg City Schools offer. She provided statistics on demographics of Lynchburg City Schools as well as the demographics of the City of Lynchburg. Dr. Edwards noted the declining enrollment of Lynchburg City Schools, particularly in students entering Kindergarten. There are studies that have been done as well as studies that are currently underway in trends in declining enrollment. The proposed operating budget requests for Early Childhood Education include funds for additional PreK-3 and 4 teachers, assistants, training, materials, and resources to continue to support trauma-informed practices for early education.

The budget requests for Elementary School include an Elementary Library Assistant, Testing Coordinators, Gifted Education Teacher, English Language Learner Assistant, training, materials, and resources to continue to support balance literacy.

The budget requests for Middle School include funding for a Middle School Math Interventionist, Middle School Reading Specialist, and a School Counselor.

The budget requests for High School include funding for 6 additional seats for the Government School, 20 seats for the CVCC Regional CTE Academy, 10 seats for the University of Lynchburg DE Education, an ISAEF teacher to support the GED program, funding for School Counselors to work additional months of the year as well as funding for the Special Education Chair to work additional months of the year.

The budget requests for all schools and community include Partners in Education Liaison, a Special Education Supervisor, a Restorative Justice/Practices Coordinator, a Network Engineer, a Grants Specialist, and a Social Worker.

The budget requests for faculty and staff include continued tuition assistance, background checks paid by Lynchburg City Schools, recertification fees paid for by Lynchburg City Schools, increased bereavement days from 3 days to 5 days, increased sick day pay out at retirement from 90 days to 110 days, and an increase in pay for substitute teachers, nurses, bus drivers, assistants, secretaries, and custodians.

Dr. Edwards noted that despite level funding and cut funding in past years budgets, the bus driver pay has increased each year, showing as far back as 2018.

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Information was given on the average starting salary for a 10-month teacher on Step 5 in the City of Lynchburg as opposed to surrounding counties. This showed the City of Lynchburg being lower than surrounding counties. Average salary information was also given from the state of Virginia and the United States.

Councilmember Nelson asked City Manager, Mr. Wynter C. Benda, what the impacts would be on the City's proposed budget with the addition of the Lynchburg City Schools proposed budget. Mr. Benda stated that the General Wage Increase of 3% to all City employees could not happen, there would be no funds to tackle compression issues within the organization, and staff would be unable to accomplish the recruitment and retention plan in the Fire Department. Councilmember Nelson asked what the sources of revenue would be to fund these items; Mr. Benda replied they would come from the General Fund. Councilmember Nelson asked if there are resource available to fund these items without using the General Fund; Mr. Benda replied that there are none. Councilmember Nelson asked what the average fund balance that has accrued within the LCS budget in the last 4 years. Mr. Benda replied approximately \$3,000,000 on average.

Councilmember Helgeson asked if staff had looked at less SOQs to fund raises. Dr. Edwards replied that this was looked at previously with bus drivers but it is not sustainable for all positions because the staff members are overworked. Councilmember Helgeson asked Mr. Benda if he had looked at increased state funding when formulating the budget. Mr. Benda replied there are only so many ways to divide those funds, with emphasis on public safety, infrastructure, economic development.

Councilmember Tweedy asked how much it costs to operate a smaller neighborhood elementary school. Dr. Edwards replied there is a base cost and she will get an exact number.

Councilmember Wilder asked what part COVID has played in the formulation of this budget, specifically how has the poverty rate factored into the challenge of educating students. Dr. Edwards replied that due to COVID there has been a lot of learning loss, specifically in math. Student trauma and quarantine has also impacted students and staff.

Councilmember Faraldi asked what assurance Councilmembers can have that their concerns will be addressed by the School Board. School Board Member Dr. Coleman replied that they will respond to any emails promptly and with as much information as possible. Councilmember Faraldi noted the lack of

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engagement from the School Board in regards to email. School Board Member Dr. Coleman noted himself and another member of the School Board have met with Councilmember Faraldi to respond to questions.

Mayor Dolan noted that the City Manager did put a callout to get questions asked and answered prior to this meeting.

Vice Mayor Wright asked for clarification that if the City does not provide \$966,000 then \$1.6 million in SOQ funding will not be allocated to Lynchburg City Schools; Dr. Edwards replied this is correct. // In the matter of the Facility Studies, Agenda Item #3, Dr. Crystal Edwards, Superintendent of Schools, and Mr. Blair Smith of Dominion 7 Architects, gave a presentation of the LCS Facility Needs Study. Mr. Blair Smith stated this study looked at seventeen Lynchburg City Schools. Generally speaking, there are too many schools based on demographics. He stated that enrollment is declining and a challenge is the location of the schools in relation to the population. Another problem is there is not enough money or manpower to take care of the buildings and properties of LCS. Lynchburg City Schools owns 331 acres of land with 41 acres of school buildings.

Mr. Smith reviewed the demographics which showed enrollment has been declining since the mid-1960s with the last annexation in 1976. At this time there were 12,000 students. COVID has had an impact on the demographics of all school systems. Mr. Smith showed comparisons of decreasing enrollment to surrounding counties. On average, LCS elementary schools at 75% full. The schools that are most full are the schools in the western part of the city. The least full schools are special functioning schools. LCS must maintain a racial makeup in their schools thus, students from other parts of the city are being sent to further out schools.

Mr. Smith reviewed the facility condition assessment. The average age of LCS schools is 63 years old. Several schools do not have hot water in their classrooms. There must be an emphasis on ventilation in the schools. There are old HVAC systems that are present difficulties in maintenance. Looking at consolidation the logical outcome would be to close a school and expand an existing school. - The Department of Education states that if renovating your school will cost 50% of what it would take to build a new school, the school system should build a new school.

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Mr. Smith reviewed the educational programming. Only four elementary schools have the minimum capacity that the Department of Education guidelines have. Bigger classrooms are a need so that classrooms can be flexible. LCS must take note of the scale of classrooms and the students that are utilizing those classrooms. LCS also needs outside areas such as gyms as well as extended learning areas.

Mr. Smith stated that since the year 1871, forty-seven schools have been built, sixteen have been demolished, eleven have had minor additions, four older schools have never had a major renovation, four schools serve as apartments, one school is part of the federal courthouse, one school is a privately-owned business, and two schools are owned by the City and leased. He offered the following potential options:

- Option 1: Focus on operational efficiency. This will entail building new larger elementary schools or renovating and adding onto some schools.
- Option 2: Middle ground: Build at least one additional school
- Option 3: Focus on existing facilities. Renovate or add additions to multiple schools but not build any new schools.

Councilmember Wilder asked if there are less students but too many schools, are there several spaces available in the classrooms. Mr. Smith replied that the issue is that the capacity of a classroom could be twenty-three but only have eighteen students the capacity of schools is considered by core classrooms rather than special education classrooms. Councilmember Wilder asked if they have considered special education or in school suspension classrooms. Mr. Smith replied that redesigning a school will need to have space for special needs classrooms. Dr. Edwards stated that class size reduction funding is accepted but some classrooms but have to be at a certain number to keep these funds. If this is deviated then it will trade the funding in.

School Board Member Dr. Gupta stated he hopes that they will not leave the socially and economically deprived schools behind. Mr. Smith replied they have looked at which schools fall into which Wards/Districts and there is much overlap.

School Board Member Nilles asked what the constraints are in redistricting with federal regulations in regards to the desegregation court order. Mr. Smith stated they have not looked at this yet.

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He noted there are a variety of aspects that must be considered when deciding how to move forward with the information presented. The desegregation court order being one of those.

Councilmember Tweedy stated that they have enough information at this point to shoulder the burden of making these decisions, with the input of the community.

School Board Member Trost asked if they can utilize the GIS and create a perimeter system, such as government mandates, within that system to determine where is most efficient for students to attend school based on those regulations. Mr. Smith replied that every student has a number that shows their race, gender, age, school district, and school of attendance. He stated the demographer can help with these recommendations. School Board Member Trost replied that the next step would be to superimpose the demographics and include any federal mandates upon what was given in the study. Mr. Smith stated he was not sure if they are meeting federal mandate standards currently.

Councilmember Helgeson stated that more school aged children have been homeschooled, gone to private school, or to a county school and the demographics need to reflect this. Mr. Smith stated that Crawford GIS uses a separate set of matrices to formulate their projections than does Weldon Cooper. This allows for a second opinion/viewpoint. Councilmember Helgeson stated that they must look at what the demographics are of students using the public-school vs paying for private school.

School Board Member Harvey stated he wants reassurance that the citizens from each district will be involved. He asked how they would be getting feedback from the community. Dr. Edwards stated that several community conversations will be had to discuss topics like consolidation, zoning, closures, etc.

School Board Member Dr. Carter stated all the schools highlighted to potentially close are in Ward 2. She further stated that they must look at the cost and needs of the schools.

Councilmember Helgeson asked which capacity figures were used in this study. Mr. Smith replied the industry standard.

// In matter of the Future of Education Task Force PreK-12 and Beyond (Task Force), Agenda Item #4, Dr. James E. Coleman, School Board Chair, provided Council with an overview of the action the school board has taken regarding the Task Force. On March 15, 2022 a motion was made to relieve the Task

Force on the Future of Education of their duties expressed in their charter, but the motion failed 4-4 with one abstention.

School Board Member Trost stated there is a need for the Task Force. He noted that there are available individuals to develop strategic plans for the school system and based on what was presented in the Dominion 7 study, the Task Force would be of great value at this time.

Councilmember Faraldi stated that if any members are voting to disband the Task Force, then they should no longer serve on the Task Force.

Councilmember Nelson stated the Task Force is comprised of more than three dozen members who possess expertise and qualifications in the topics identified in the Task Force charter. The group is modeled after the Heritage High School Task Force, which produced a high-quality product. He reiterated his support of the Task Force.

Dr. Coleman replied that the School Board and City Council can do their part, with full community input. He spoke of the favorable outcomes that can come from the two working together.

Councilmember Helgeson spoke in favor of the Task Force, commenting on the assistance that they can provide and the asset that it has been to LCS.

// The meeting was recessed at 5:51 p.m.

// City Council reconvened the meeting at 7:00 p.m. in the Council Chamber, City Hall, MaryJane Dolan, President, presiding. The following members were present:

|   |   |
|---|---|
| Present: MaryJane Dolan, Beau Wright, Jeff S. Helgeson, J. Randy Nelson, Treney Tweedy, |   |
| Sterling A. Wilder, Chris Faraldi   | 7 |
| Absent:   | 0 |

// In the matter of the Proposed FY 2023 Operating Budget and FY 2023 – 2027 Capital Improvement Program, a public hearing was held for the benefit of receiving citizen input.

City Manager Mr. Wynter C. Benda provided an overview of the development of the proposed budgets. Citizens were recognized in the order in which they signed up to speak; afterward, the floor was opened for any additional persons who wished to speak who did not sign up.

Mr. Richard Loving, representative of the Lynchburg Police Foundation, stated that effective law enforcement is contingent on support from citizens and businesses. Quality staffing and salaries support

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recruitment and retention of personnel. He noted his support for the Lynchburg Police Department paid progression plan which he stated will help attract new officers and also retain quality personnel.

Mr. Karl Loos, representative of Lynchburg Education Association, spoke in favor the Lynchburg City Schools proposed budget increases. He stated that Lynchburg City Schools staff must feel supported by the community around them as well as receive adequate compensation or they will move to other divisions.

Ms. Kim Gregory, representative of Bridges to Progress Early Childcare and Education Committee, spoke in favor of continued support of Lynchburg City Schools Early Childhood budget and of the expansion of programming. She stated children must be prepared for school and gave statistics of child readiness for school and access to public preschool.

Mr. Jeffery Wooters, a senior at E.C. Glass High School, stated his gratefulness to Lynchburg City School's staff. He shared the stories of several teachers that have been impactful within LCS. He spoke in favor of increasing the LCS budget as suggested by the School Board.

Mr. Patrick Frankfort, a math teacher at E.C. Glass High School, spoke of the staffing shortage within LCS. He spoke in favor of fully funding the LCS budget to send a message that staff is supported by the City and to potential employees that they will be supported and taken care of.

Mr. Jacob Heidorn, a PE teacher at Heritage Elementary School, voiced the need for a gymnasium and better facilities for the school. He spoke in favor of the LCS proposed budget.

Mr. Andrew Glover spoke in opposition to the budget due to the increase in citizen taxes. He outlined the various ways in which he saw tax increases within the proposed budget.

Ms. Leilani Sanchez, Secretary III at an LCS elementary school, stated her support of the LCS budget increase and expressed her concern for the staff who are underpaid for their services.

Ms. Claire Klein, an English teacher at Linkhorne Middle School, stated that the LCS salary is not a competitive salary and noted the various other districts that have higher pay and more days off than that of LCS. She encouraged Council to value LCS staff to ensure staff retention.

Mr. Phil Stump, representative of Virginia Organizing, spoke in support of the LCS proposed budget. He stated that many teachers have to pay for their own teaching supplies and noted that this is not a sustainable practice. He outlined the consequences of the lack of implementation of the proposed

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raise. He asked Council to fund the schools full budget request and increase it by an additional two million dollars to increase LCS staff salaries by 10%. He asked Council to fund the Restorative Practices Coordinator.

Mr. Keith Thompson, representative of Lynchburg Little League, noted his support of the Parks and Recreation improvements in the budget such as the safety and security in the municipal parks within the City.

Ms. Kimberly Dyke-Harsley noted her support of the pre-K teachers in the community. She referenced the City's charter stating that the Council has a duty to support and aid the schools. She stated her support of increased pay for teachers and substitute teachers and asked Council to fund a Restorative Practices Coordinator position.

Mr. Jamie Maxwell, representative of the Lynchburg Firefighters Association, stated that in 2020, the fire department worked 19,276 hours of overtime. In 2021, the fire department worked 33,000 hours of overtime. He highlighted the lack of staffing within the department.

Mr. Wendall Walker stated that utilities will be a large part of the increase in the budget. The proposed budget must impose options for tax relief for citizens. He stated citizens are looking to move out of the City. He noted the state is working towards better pay for emergency services and teachers and that the only solution will be the state and city working together.

Ms. Verna Lamb, representative of Friends of Lynchburg Public Library, stated her support of the assistant library manager position in the proposed budget. She noted that the support of the new branch library should be considered but not at the expense of the downtown library.

Ms. Karissa Riley spoke in support of the City's libraries and asked that Council would not forget those who have access to and utilize its services.

// The meeting was recessed at 8:03 p.m.

// City Council reconvened the meeting at 8:10 p.m. The following members were present:

Present: MaryJane Dolan, Beau Wright, Jeff S. Helgeson, J. Randy Nelson, Treney Tweedy,

Sterling A. Wilder, Chris Faraldi 7

Absent: 0

Councilmember Wilder gave the Invocation, followed by the Pledge of Allegiance.

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// In the matter of Recognitions, Mayor Dolan recognized two members of the Mayor's Youth Council who were in attendance; Miss Timi Oluwaji, Junior at E.C. Glass High School, and Miss Wendi Oluwaji, Freshman at E.C. Glass High School.

Mayor Dolan also proclaimed the month of March as Social Work Month. Mr. Preston Sellers, Director of Human Services, was in attendance to accept the proclamation.

// In the matter of Community Development, Agenda Item #1, a public hearing was held for the consideration of adopting Resolution #R-22-022 approving the allocation of FY 2023 Community Development Block Grant (CDBG) and HOME Program funds and incorporating into the Program Year 2022 Annual Action Plan. The Community Development Advisory Committee (CDAC) met on February 23, 2022 and reviewed the applications that were submitted and the following lists of projects have been recommended for funding by the CDAC:

CDBG PROJECTS RECOMMENDED FOR FUNDING BY CDAC\*:

| PROJECT   | CDAC RECOMMENDATION |
|---|---------------------|
| City Administration   | \$137,090.00        |
| Jefferson Park Revitalization Improvements  | \$240,000.00        |
| Tinbridge Hill Neighborhood Pedestrian Improvements-Phase 2                                   | \$125,000.00        |
| Diamond Hill Neighborhood Plan and Improvement Project  | \$87,602.40         |
| Lynchburg Redevelopment & Housing Authority (LRHA) – Enhance & Preserve (LEAP) Rehabilitation | \$100,000.00        |
| LRHA – Rental Rehabilitation Program  | \$30,000.00         |
| Miriam's House/CVCoC Coordinated Homeless Intake and Access (CHIA)                            | \$65,000.00         |
| Boy Scouts of America – blue Ridge Mountain Council-Scoutreach                                | \$15,440.00         |
| Total – CDBG  | \$800,132.40        |

\*NOTE: DUE TO THE FACT THAT HUD HAD NOT PROVIDED THE FINAL ENTITLEMENT ALLOCATIONS FOR THE ANNUAL ACTION PLAN FOR FEDERAL FISCAL YEAR (FY) 2022; IT WAS THE RECOMMENDATION OF CDAC THAT ANY INCREASE IN THE ACTUAL FEDERAL FY 2022 CDBG ENTITLEMENT AMOUNT WOULD BE APPLIED TO THE DIAMOND HILL NEIGHBORHOOD PLAN AND IMPROVEMENT PROJECT; AND ANY DECREASE IN THE ACTUAL FEDERAL FY 2022 CDBG ENTITLEMENT AMOUNT WOULD BE APPLIED TO THE DIAMOND HILL NEIGHBORHOOD PLAN AND IMPROVEMENT PROJECT.

HOME PROJECTS RECOMMENDED FOR FUNDING BY CDAC\*\*:

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| PROJECT   | CDAC RECOMMENDATION |
|---|---------------------|
| City Administration   | \$33,000.00         |
| Rush Lifetime Homes - Florida Terrace Rental Housing (CHDO) | \$200,000.00        |
| Habitat for Humanity - Knott Street Development             | \$152,865.00        |
| LRHA- HOME for Good   | \$ 86,840.21        |
| Total – HOME  | \$472,705.21        |

\*\*NOTE: DUE TO THE FACT THAT HUD HAD NOT PROVIDED THE FINAL ENTITLEMENT ALLOCATIONS FOR THE ANNUAL ACTION PLAN FOR FEDERAL FISCAL YEAR (FY) 2022; IT WAS THE RECOMMENDATION OF CDAC THAT ANY INCREASE IN THE ACTUAL FEDERAL FY 2022 HOME ENTITLEMENT AMOUNT WOULD BE APPLIED TO THE LRHA HOME FOR GOOD PROJECT; AND ANY DECREASE IN THE ACTUAL FEDERAL FY 2022 HOME ENTITLEMENT AMOUNT WOULD BE DIVIDED EQUALLY TO THE FLORIDA TERRACE RENTAL HOUSING AND KNOTT STREET DEVELOPMENT PROJECTS.

There was no one to speak in favor or opposition, either by phone, email, or in-person, so the public hearing was closed and the matter rested with Council.

As Chair of the CDAC, Vice-Mayor Wright made a motion to approve the resolution, seconded by Councilmember Wilder, Vice-Chair of the CDAC.

As former Chair of the CDAC, Councilmember Nelson thanked Ms. Melva Walker, Grants Manager, for her efforts with this item. He also thanked both the members who serve on the CDAC and the community groups who submit applications for funding for their creative and collaborative efforts to ensure all funds are distributed appropriately.

With no other discussion from Council, the following vote was recorded:

Ayes: Dolan, Wright, Helgeson, Nelson, Tweedy, Wilder, Faraldi 7

Noes: 0

// In matter of the Airport, Agenda Item #2(A), Council received a briefing on a franchise agreement. Freedom Aviation would like to construct a 19,000 square foot aircraft storage hanger and consolidate both existing leases. Mr. Andrew LaGala, Airport Director and the responsible party for negotiating and administrating airport leases, provided Council with a summary of the request. Freedom Aviation has been operating as a fixed base operator (FBO) and tenant at Lynchburg Regional Airport (LYH) since acquiring Falwell Aviation in 2011. In 2014, Freedom Aviation purchased the airport's other FBO, Virginia Aviation, and was subsequently awarded a separate lease by City Council effective October 1, 2015. Since that time, Freedom Aviation has operated under two separate agreements: the original 20-year, six-

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month Falwell Aviation franchise agreement with an expiration of December 2027 and a revised Virginia Aviation lease set to expire in June 2023. Consequently, in order to consolidate its operations and to accommodate growing demand for its aviation services, Freedom Aviation desires to expand its aeronautical facilities through the construction of a new 19,600 square-foot aircraft hangar at LYH, while combining its current facilities contained in its two existing agreements under one franchise ordinance. This Franchise consists of two terms; Term One is 20-year, six months for certain facilities (shown in the presentation) and Term Two is for 5 years with a 5-year option for the remaining facilities. Based on the terms proposed under the franchise, Virginia law requires advertising for bids and a public hearing before voting on whether to adopt the franchise and grant proposed. The Lynchburg Regional Airport Commission has been briefed throughout the negotiation process and has expressed its support; a formal recommendation to City Council regarding the proposed franchise ordinance is scheduled for its next meeting on April 18, 2022. This will appear before Council for action at its April 26, 2022 meeting.

Councilmember Faraldi asked if both parties were agreeable to the arrangement; Mr. LaGala replied yes, and mentioned that representatives from Freedom Aviation were in attendance in show of support.

Councilmember Helgeson commended Freedom Aviation and Liberty's Aviation School for having so much activity which has caused growth to the Lynchburg airport.

//In matter of Finance, Agenda Item #2(B), Council was briefed on a request for a release of surplus funds. Ms. Donna Witt, Chief Financial Officer, gave an overview of this request. The City received a letter from Robert E. Evans, Esq., dated February 1, 2022 requesting, on behalf of his client, Robert L. Crews, Sr., the release of surplus funds received by the City from the delinquent tax sale of his property at 1119 Wise Street in the City. Mr. Crews was the former owner of that property prior to the sale confirmed May 20, 2019. The property sold for \$25,000 and the Lynchburg Circuit Court entered an Order on June 6, 2019 confirming the distribution of the sales price in three checks, \$7,702.44 to the City of Lynchburg, \$3,300 to James W. Elliott, Special Commissioner, and \$13,997.56 to be held by the General Receiver for the City, Leighton Houck, pursuant to § 58.1-3967 of the Virginia Code. Such code section provides a two-year period following the sale for unknown creditors or the former owner to come forward and claim the surplus funds, but Mr. Crews was unaware that he could make a claim for those funds until late 2021.

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On September 23, 2021, the Lynchburg Circuit Court entered an Order directing the General Receiver to pay the surplus funds to James W. Elliott, attorney for the City. After deducting his fees from the \$13,997.56, Mr. Elliott forwarded the balance of \$12,794.18 to the City. § 58.1-3967 of the Virginia Code also provides that following payment of surplus funds to the City and “[u]pon request of the former owner . . . and after a showing of a prior entitlement thereto, the governing body of any county or city which has received such surplus funds may, in its discretion, grant relief, by ordinance, to such former owner . . . and pay over such amount as the governing body may deem appropriate to such former owner . . . and pay over such amount as the governing body may deem appropriate . . . .” As Mr. Crews had outstanding debt to the City in the amount of \$1,252.13, he has agreed that the City may deduct that amount from the \$12,794.18 leaving the total remaining surplus funds which he is requesting to be \$11,542.05. This item will appear before Council for action at its April 12, 2022 meeting.

Councilmember Nelson asked if this was a competitive bid that generated the substantial surplus above the amount that the city was owed; Ms. Witt replied, yes.

//In the matter of Planning, Agenda Item #1(C), Council was briefed on an alley vacation for an unnamed alley. Mr. Kent White, Community Development Director, gave an overview of the request of Mark and Kristen Bushing to vacate an alley between their two properties at 101 and 103 Linden Avenue. The alley vacation is proposed to allow the combination of their properties. The total area of the proposed vacation is approximately thirty-one thousandths (0.031) of an acre. The area to be vacated contains a fence but is otherwise unimproved. The vacation would not impact vehicle or pedestrian access. The Technical Review Committee, and internal working group, reviewed the petition and their comments have been addressed. Based on the zoning of the adjacent lots and property frontage, the value of the property is anticipated to be approximately \$440.00 - \$816.00. This item will appear before Council for action at its April 12, 2022 meeting.

// The meeting adjourned at 8:39 p.m.

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Clerk of Council

March 24, 2022

// An additional meeting of the Council of the City of Lynchburg was held on the 24th day of March, 2022, at 4:00 P.M. at the 2<sup>nd</sup> Floor Training Room, City Hall, MaryJane Dolan, President, presiding. The following Members of Council were present:

Present: MaryJane Dolan, Beau Wright, Jeff Helgeson, J. Randy Nelson, Treney Tweedy, Sterling A.

Wilder, Chris Faraldi 7

Absent: 0

// In the matter of Budget, Agenda Item #1, City Manager, Wynter C. Benda, provided an overview of the FY 2023 Proposed Budget Reconciliation.

The proposed budget includes the River Ridge Branch Library, the Downtown Branch Library, as well as the Main Library.

Councilmember Nelson noted the point made by the last speaker at the March 22, 2022 Public Hearing Council meeting in which she stated that the downtown library provides services to those who rely on public transportation. He stated that he does not want the City to adopt policies that would be exclusive or discriminatory. Councilmember Nelson responded that he would like to find the means within the budget to keep all three libraries open.

Mayor Dolan stated that there is not data from before COVID but that the downtown library seemed well-used. Mayor Dolan responded that this should be looked at carefully to ensure that the decision does not prevent any citizens from accessing a library.

Councilmember Helgeson stated that he disagreed; he is in favor of the River Ridge Branch Library for accessibility for citizens on that side of the City, as well as, potentially generating sales for the businesses in the mall. He does not want to make assumptions that citizens relying on public transportation are only in the downtown area. He is in favor of the proposal of keeping only two branches open and commented on the Main Library is near downtown.

Councilmember Wilder stated that several citizens have objected to closing the downtown library. He is in favor of the River Ridge Library as it would be an advantageous deal for the city, citizens, and the mall. He also noted that the downtown library seemed to have a steady flow of patrons and he would like to keep utilizing that space.

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Councilmember Tweedy stated she is in support of the River Ridge Library. She noted she too has heard concerns from citizens but that it would be beneficial to explain to the community that malls are a focal point of generation of business and the generation of tax revenue. She asked the City Manager if he was going to be doing any data measuring for keeping or closing the Downtown Branch Library. Mr. Benda responded that there may be a time to measure data response during the construction period. The City could do this with existing resources.

Councilmember Faraldi responded that the two questions being posed by Council are in reference to the utilization of a public space in City Hall and what could be offered in that space. What services are citizens looking for in a downtown location and is the public library fulfilling those needs. Mr. Benda replied that he will gather the data on how the citizens are primarily using the Downtown Library.

Mr. Benda then walked Council through the Lynchburg City Schools Chart of Finances, Past Financial Resources, and answers to previous questions posed by Councilmembers.

Councilmember Helgeson responded that in past years, the schools have requested the same amount but currently there are several hundred less students in the school system.

Mayor Dolan responded that there is not just decline in students but also a change in needs.

Councilmember Nelson stated that in the last four years there has been a number of how much Lynchburg City Schools did not need from their budget. He noted that if this trend continues, they may not need what they're asking for in the 2022 budget.

Councilmember Faraldi asked for action items as follows: with the total school age population in Lynchburg, what are the current enrollment numbers and graduation rates; the 1990 agreement that the funds go back to Lynchburg City Schools needs to be reevaluated.

Councilmember Wilder asked what would it look like for Lynchburg City Schools salaries to be competitive to salaries in other counties. He also asked how much Lynchburg City Schools would need to increase salaries so that they are competitive. There is also an increase in challenging behavior and support services needed for kids in poverty as well as other needs. With these increased needs comes an increase in resources.

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Councilmember Tweedy stated that the City is required to and must invest in public education regardless of declining enrollment. She is in favor in investing in Lynchburg City Schools. She also noted that the City has not invested in the infrastructure to educational buildings and facilities.

Councilmember Faraldi stated that special education and vocational education funding is being decreased in the Lynchburg City Schools proposed budget. He stated that he disagrees with the strategies being pursued by Council because Council appoints Schoolboard Members.

Councilmember Helgeson stated that he would like to see the numbers for the Standards of Quality (SOQ) positions. City Manager Benda replied that the data is forthcoming. Councilmember Helgeson responded that he would like to look at the SOQ positions for Lynchburg City Schools vs other localities. He stated that the third largest employer in the city is LCS and that this is concerning with the declining enrollment. There are SOQ funding formulas that identify what needs to be funded. He also noted that the budget includes incentive programs that the City and State matches. He stated that children should be permitted to attend their neighborhood school rather than a school across town as is required per the desegregation court order. Mr. Benda responded that the facilities study will be of assistance.

Councilmember Tweedy stated that there was a need for the desegregation laws. When it was decided to close schools in the past it was done by governing boards. She stated that Council is the current governing board to make the right decisions for the children and community.

Councilmember Helgeson responded that he believes improving education is unanimous. Council's job is funding and demanding accountability. He noted his approval of the Future of Education Task Force and the benefits it would have in improving the education system.

Councilmember Tweedy responded that the purpose of the Task Force was to get the community to its current point. It was for community engagement and awareness on education needs as well as rezoning and redistricting needs. The Task Force is not need currently because the data and information are at hand. Community engagement is what is currently needed.

Councilmember Nelson responded that a great issue is leading practices in urban education. City Council and the members of the Schoolboard are not in a position to deal with these issues on their own. They need other insights.

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Councilmember Tweedy responded that Lynchburg City Schools has brought educators into the city to understand what the best practices in urban education are. She noted there is resistance to change within Lynchburg City Schools.

Councilmember Helgeson stated he would like to discuss the tax rebate from last year's budget and how to compensate the citizens. Mr. Benda replied that there are no tax increases proposed in this budget.

//In matter of Budget, Agenda Item #2, Dr. Reid A. Wodicka, Deputy City Manager, provided an overview on the Water Resources Rate Study and the need to update the City's stormwater, water, and sewer rates. The primary drivers for the rates include: increasing regulatory requirements, the need to invest in our critical infrastructure, adequately compensating employees delivering essential services, and rising operational costs. The most significant factor, primarily in the Sewer fund, is compliance with the financial criteria of the Combined Sewer Overflow (CSO) Consent Order.

The proposed rate updates are as follows: Stormwater will increase from \$4.00 to \$4.17 per SFU, the Water Volume Rate will increase from \$2.68 to \$2.77 per HCF, and the Sewer Volume Rate will increase from \$6.14 to \$7.22 per HCF. These increases will cause an average increase per citizen of \$.17 per month for Stormwater, \$.46 per month for Water, and \$5.53 per month for Sewer. The total average increase will be \$6.16 per month. In comparison to other localities, monthly rates for the Stormwater Rate is \$.95 less than the State median; the Water Rate is \$17 less than the State average, and the Sewer Rate is \$3 less than the State average.

Of twelve other localities compared, the City of Lynchburg is rated second cheapest for combined water and sewer bills for 5,000 gallons/month. With these rate increases the City of Lynchburg will get an increase capital spending including, pay-as-you-go, it will cover significant chemical and material cost increases, it will cover compliance with increasing State and federal regulations, investment in front-line employees, and will open additional positions critical to daily functions.

In regards to Stormwater, the City of Lynchburg will get \$20.5 million in capital spending including \$5.9 million in infrastructure renewal and \$5.3 million in best management practices renewal and improvements to address federal and State mandates.

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In regards to Water, the City of Lynchburg will get \$51.9 million in capital spending including \$28.7 million in distribution system improvements prioritized based on: fire flow capacity, system integrity, water quality and system redundancy. It will also receive \$7.4 million in water facility improvements and \$1.0 million associated with compliance with lead & copper rule revisions.

The increase in sewer rate is due to the fact that minimum rates are dictated by CSO Consent Order: the average annual sewer bill must equal or exceed 1.25% of Median Household Income (MHI) and rates must be based on projected MHI. In regards to sewer, the City of Lynchburg will receive \$116 million in capital spending including: \$10.5 million for Richland Hills Sewer, \$31.3 million in Sewer Collection Improvements, \$59 million in CSO projects, and \$11.7 million in Water Resource Recovery Facility projects. This includes \$25 million in ARPA funds for CSO and \$7.5 million in ARPA funds for Richland Hills.

Councilmember Faraldi asked what it would take if the City had additional resources to put into the enterprise fund to offset some of these costs. Mr. Tim Mitchell, Director of Water Resources, stated the rate increase is dependent on the consent order. Councilmember Faraldi asked who dictates the consent order and what does that process look like; he asked if there any legislative oversight on this process. Mr. Branham replied that this is a state consent order. Councilmember Faraldi noted that there is no legislative committee of the General Assembly that approves of this tax or fee increase on citizens.

Dr. Wodicka replied there is approximately five years of work left and the suggestion is to finish it so that there are no longer any mandates. Councilmember Faraldi asked if these fees would roll off. Mr. Mitchell stated that is the idea but they will have to prove that what is done works. Councilmember Faraldi stated that if this is adopted, he would like to see the fees be offset. He asked about the color coding of the map shown on the slides. Mr. Mitchell replied that the color coding of the lines is not just in terms of years but also the materials of the pipes and the capacity of them.

Councilmember Helgeson asked if the basin that catches, treats, and releases the sewer will get the City out of the consent order. Mr. Mitchell replied that there are other projects needed to get the flow to the basin. Councilmember Helgeson noted that the combined rate increases are 10.5% and he would not be in agreement with this. Councilmember Helgeson asked if the sewer line runs to Richland Hills, what will citizens have to pay to connect. Dr. Wodicka replied it will be a base rate of approximately

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\$3,000. Councilmember Helgeson asked what the typical procedure is to get sewer. Mr. Mitchell replied it would be a petition process in which one individual in the neighborhood attempts to get others in the neighborhood to connect. Councilmember Helgeson asked what the cost is once that extension is done. Mr. Mitchell replied the fee is approximately \$3,000 if they get 50% of the neighborhood to connect. If they get 80% of the neighborhood to connect that fee will decrease somewhat. Councilmember Helgeson asked that to extend the sewer, the individual won't pay the extension fees just the connection fees. Mr. Mitchell replied they will pay the connection and availability fees. Councilmember Helgeson asked what the availability fees are. Mr. Mitchell replied that they are approximately \$3,000. Councilmember Helgeson noted that several years ago this fee was much higher. Mr. Mitchell replied that the cost to extend this service is approximately \$25,000-\$30,000. When the petition process is done, the individual will only pay approximately 10% of the cost of the extension with these fees. Councilmember Helgeson asked if this covers the connection and availability fees by tapping into the big system. Mr. Mitchell noted that this is only feasible if a property is close to the sewer. Councilmember Helgeson asked if there are people planning on connecting. Mr. Mitchell replied that surveys were sent out and the results were that approximately 50% would be willing to connect. Councilmember Helgeson stated that many people look at emergent needs rather than potential emergencies in the future.

Councilmember Faraldi stated that these neighborhoods often have a cascading effect within a 2-year time period where 30-40 homes have septic tank failures due to the age of the home and septic systems.

Councilmember Nelson noted his issue with the increase in Stormwater Fee. He would like the option of not increasing that particular fee. Mr. Mitchell replied that the Department of Environmental Quality (DEQ) has stated that the City needs to do better at mapping drainage area to every Best Management Practices (BMP) in the city, improve Stormwater Pollution Prevention Plan (SWPPP) for all city facilities, and update Standard Operating Procedures. Some of the cost increase is for consultant assistance to develop these. He also noted that these are all going towards the Municipal Separate Storm Sewer System (MS4) permit. Councilmember Nelson stated that the actual cost in 2021 was \$157,662 but the adopted amount for 2021 was approximately \$90,000 more than this. In 2019 the actual cost was \$180,873. He noted that the proposed budget asks for more than this amount. He asked that in

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light of this surplus, if they can have level funding for this year so as to not implement the \$.17 raise per customer. Dr. Wodicka replied that he can provide more specific detail of what's going into those numbers and the impacts of implementing the fee vs not implementing the fee.

Councilmember Tweedy noted her appreciation of the Homeowners Association's approval of the sewer and stated that this is an opportune time to add sewer.

Councilmember Helgeson stated there is a difference between the city and county comparisons given in the presentation. He noted that starting wage includes an approximately 50% increase rate with benefits such as health insurance, retirement, etc. He noted his support in highlighting the compensation package that comes with being a municipal employee. Mr. Benda stated the utility department has shown that they do not have the proper staff to meet the need of the City. Councilmember Helgeson noted that he is in favor of increasing the salary of these specific employees. Mr. Benda replied that the proposed \$14.03 is taking the Lynchburg overall population and tying it to the increase. He noted that many of the individuals getting this increase are those who work to maintain the City buildings. He stated the City must provide competitive salary and wages for other jobs in Lynchburg.

// The meeting adjourned at 6:01 p.m.

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Clerk of Council

March 29, 2022

// A special called meeting of the Council of the City of Lynchburg was held on the 29th day of March, 2022, at 4:00 P.M. in the 2<sup>nd</sup> Floor Training Room, City Hall, MaryJane Dolan, President, presiding. The following Members were present:

|  |   |
|--|---|
| Present: MaryJane Dolan, Beau Wright, Jeff Helgeson, J. Randy Nelson, Treney Tweedy, |   |
| Sterling A. Wilder, Chris Faraldi  | 7 |
| Absent:  | 0 |

//In the matter of Budget, Agenda Item #1, City Council continued the reconciliation of the FY 2023 Proposed Budget. City Manager Mr. Wynter C. Benda stated that Lynchburg City Schools (LCS) originally asked for a 5% increase in their budget equating to \$3.1 million dollars. Since then, LCS has revised their request to an 8% increase equating to \$5.1 million dollars. He stated that for LCS to increase their teacher salary to the highest starting salary in close by municipalities, it would take approximately \$6.7 million dollars.

Councilmember Faraldi noted that questions about LCS enrollment and graduation rates will be answered in the reconciliation phase. In regards to total school age children in the City, he asked what the ADM would be if LCS did not offer PreK. In regards to taxes, he stated that the real estate tax rebate can still be done in conjunction with addressing compression and cost of living salary increase.

Councilmember Helgeson stated that they must rectify the real estate rate equalization from last year.

Vice Mayor Wright stated that the tax value went up because City land is more valuable. He asked what it would take to equalize the real estate tax rate. Chief Financial Officer Ms. Donna Witt stated it would cost \$4.8 million dollars. Mr. Benda stated that if Council would like to implement this rebate, he can present different options.

Councilmember Helgeson asked if this is something that Council would like to move forward. Mayor Dolan noted that the public has a right to know what may be cut from the budget in order to fund a real estate tax rebate. Vice Mayor Wright clarified that he is not advocating for the proposal of cutting from the budget but simply wants to have the information as to what could be cut if Council decided to move forward with this. Mayor Dolan stated her agreement.

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Councilmember Helgeson stated that giving raises across all City employees has an impact on the local economy. Mr. Benda responded that the 3% increases are to keep recruitment competitive and are directed at municipal services. He noted that the 3% increase is working against the issue of compression. Councilmember Helgeson asked what the total increase in compensation will be. Mr. Benda replied he will get that information.

Councilmember Wilder stated that in regards to real estate taxes, the rate did not increase but the value of property increased. He asked if the personal property tax rebate was being implemented. Mr. Benda replied yes, it has been voted on. Councilmember Wilder asked what the total amount will be. Ms. Witt replied it will be approximately \$5.5 million that citizens will not pay and will reduce their assessments and this amount will not be coming to the City. Councilmember Wilder stated that the needs of the City outweighed the need to change the tax rate from last year.

Councilmember Nelson stated the tax assessments are going to be reflected in coming years. He would like to rectify the overpayment by lowering the tax rate to equalize or refunding citizens. A complication of doing this through a refund is that wealthy homes will be getting a substantial refund while the average home will get a moderate refund. Councilmember Nelson noted that the impracticality and the cost verses the reward to the taxpayer will not offset. He stated that inflation is going up as well as cost of living and is a burden on taxpayers and he would like to mediate this. He also noted that the City will also suffer from inflation.

Councilmember Tweedy referred to the chart in Council's materials labeled "All Residential Properties" noting the largest amount of single family detached homes would get an average rebate of \$103. The average car rebate would be approximately \$115. Councilmember Tweedy asked if this would be per car; Ms. Witt replied yes, that is correct. She stated that the potential savings of a citizen with several cars could average out to more than the \$103 average real estate rebate. The car tax relief would give more relief to families based on the number of cars in the City. The greater real estate refund would go to those with single family homes ranging from \$850,000 – \$1.7 million, which is approximately 40 homes in the City. These would get the larger average rebate of \$770.96. Those who have more affluent homes will get the greater rebate.

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Vice Mayor Wright noted that if the majority of the tax rebate goes to wealthy people as opposed to the working class, it matters. Presumably, the personal property tax relief would impact more people than would the real estate tax rebate. Vice Mayor Wright replied that the question council should be asking is how they can do the greatest good for the most amount of people. He also noted he would like to discuss additional funds for education.

Mr. Benda replied that Lynchburg City Schools had asked for a 5% increase which is \$3.1 million and subsequently asked for an 8% increase which is \$5.1 million. They also asked for an additional \$1 million to meet the local match that will ensure the 5%. The number to get to the highest paid salary will be approximately \$6 million.

Vice Mayor Wright replied that Lynchburg City Schools have outlined a number of different needs and requested additional funds to accomplish 1) get state money that requires a local match 2) hire more PreK teachers, counselors, and others. He stated that Council is prioritizing real needs in the proposed budget. He noted that Lynchburg has not scaled its City services to meet the growth in the community. He stated that this budget request is an investment in the future of the city and that the schools need funding to meet their needs. He would like to see a comparison of what the City would need to cut to meet the request of the schools. He stated his primary concern is that Lynchburg City Schools not lose the state matched funds. Mr. Benda replied that the school has more employees than the City, to get to living wage for schools there is a larger number by scale. Vice Mayor Wright replied that if Council entertained equalizing the tax rate based on the 2019 assessment which is an ongoing cost to the City, they must also talk about funding schools based on what they need and have requested.

Councilmember Wilder referred to the 2017 school budget and noted the difference in that budget and the current budget is approximately \$1.5 million. He stated that enrollment has declined but the need for services has continued to increase. He would like possible options as to where the money can come from to fund these things.

Councilmember Tweedy stated that she has spoken with individuals in the community and an issue that has been raised is if the City can fund and prioritize certain things but not fund education. She noted that if \$1 million is what it takes to get the education match, she is open to that. She stated she

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wants to invest and build in education. She stated she would like to see the options the City Manager will propose.

Mr. Benda replied that the school construction piece will be outside of this budget process. He noted he will have ways in which other municipalities have gotten to the \$1.5 million and will bring in examples of school funding formulas.

Councilmember Faraldi stated that an increase for the fire department would be \$9,000 per individual. The response from previous questions is that every firefighter will receive increase based on their certification level. He asked what an increase looks like for a 20-year employee as opposed to an entry level employee. He would like a bit more information. Mr. Benda replied that to get to the highest starting salary it will equate to be \$9,000 for each person in department. Chief Financial Officer Witt stated that it does not address compression. Councilmember Faraldi asked for a breakdown on specific scenarios and detail on this increase carrying through the ranks. Chief Financial Officer Witt asked for clarification if he means the average for a Captain, Battalion Chief, etc. Councilmember Faraldi noted he is concerned about the 5, 10, 15-year employees. Mr. Benda replied that a piece of this is also compression. He stated that they will get Council those models but it will not address what he is referring to. Councilmember Faraldi stated that more information would be helpful.

Councilmember Faraldi stated that in reference to the Downtown Library data, the data is great but some context on how to interpret the data would be helpful. He stated he is not opposed to closing the downtown library, but if there is a need downtown for public space what does that look like. Mr. Benda replied a physical location is important for people looking to apply and obtain jobs. There is also a workforce development component to this library. He stated he will bring options on at Council's meeting on March 31, 2022. Councilmember Faraldi asked when they were planning to open the downtown branch. Mr. Benda replied that they are holding off until conversations and budget season is done. He noted he has heard quite a bit of support of the downtown branch.

Councilmember Wilder asked what the salary is for library personnel and asked if it was a part-time position. Mr. Benda replied it is a full-time position with approximately \$30,000 for salary and approximately \$50,000 with benefits. Councilmember Wilder asked if the City is utilizing other resources with the library such as resources from the local colleges. He stated that the Liberty University School of

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Law library may help support this to offset some of the costs. He also noted that utilizing college interns to support the library may be feasible to offset those salaries.

Councilmember Tweedy asked if personal usage of the main library numbers were received before the pandemic. She stated they received a report from the library that noted there was heavy computer/internet usage. There were talks about upgrading computers in community centers. She stated Council might need to invest in technology in other locations. She stated that the downtown library computers were consistently full before the pandemic.

Vice Mayor Wright asked if there are any downsides to the River Ridge branch library. Mr. Benda responded that a downside may be the closure of one library, provided that is the direction Council decides. He stated there is a quality-of-life component to downtown library. Another downside could be if the venture does not succeed. He stated there is a 5-year option with a leaseholder. Vice – Mayor Wright asked if there is data of other localities undertaking this. Mr. Benda replied that information is forthcoming. Vice Mayor Wright asked for clarification that this would be a 5-year lease with a 5-year option which would mean the City is locked in for 5 years. Mr. Benda replied that this is correct.

Councilmember Helgeson responded that the north end of the City has had a library branch near the plaza. He noted that River Ridge is a bit more of the center of the city. Geographically, the proposed library makes sense. Mr. Benda replied the expectation would be that they would be pulling from other counties and not just for city residents. It would provide more access for more people.

Councilmember Faraldi stated that CIP improvements have totaled approximately \$6.7 million in ARPA dollars. The need of extending sewer line is profound. He asked if there is a direction the City can go in utilizing the \$6.7 million. He stated he would like to see those projects again for sewer and potentially those projects may be able to trade off from projects such as extending trails at Ivy Creek and Riverfront Park improvements. Mr. Benda replied that Ivy Creek is taken care of by the state. If there is interest in offsetting the expense of public safety headquarters, there will be information forthcoming at the next meeting.

Councilmember Nelson stated that restrooms at Riverfront Park is a good improvement. However, other funds for improvements to the park may be directed elsewhere. In a conversation with Parks and Rec, they indicated that connection of Ivy Creek Park and Peaks View will solve a practical

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problem for residents who want to use Peaks View but can't get on roads if they do not have a car. This trail may be a huge asset to quality of life for the citizens.

Councilmember Helgeson stated that the increase in Meals Tax can be attributed to inflation on the cost of food. He stated that Council should consider lowering this tax, commenting that this may help other restaurants invest in Lynchburg.

Councilmember Nelson stated that this is an artificially increased revenue source. The meals tax is an optimal tax because it is optional. However, some individuals with more than one job do not have much of an option than to eat out in getting to and from multiple jobs.

Councilmember Faraldi replied if the City eases tax, it may be an incentive for people to continue eating out.

Vice Mayor Wright asked when was the last time the City raised meal tax. Chief Financial Officer Witt stated it went up by a half of a percent in 2005, from 6% to 6.5%. Vice Mayor Wright stated that Council should continuously revisit the tax rates but he has not been hearing concern on meals tax from citizens.

//The meeting was recessed at 6:04pm.

// City Council reconvened the meeting at 7:00 p.m. in Council Chamber, City Hall, 900 Church Street.

The following members were present:

|   |   |
|---|---|
| Present: MaryJane Dolan, Beau Wright, Jeff S. Helgeson, J. Randy Nelson, Treney Tweedy, |   |
| Sterling A. Wilder, Chris Faraldi   | 7 |
| Absent:   | 0 |

// In the matter of the FY 2023 Water and Sewer Volume Rates, Sewer Only Rate and Stormwater Fee, a public hearing was held to hear from the public; no vote was requested from City Council at this time.

Deputy City Manager Dr. Reid A. Wodicka provided Council with an overview of the proposed rate and fee changes, which include the following: (1) Water volume rate increase from \$2.68 to \$2.77 (2) Sewer volume rate increase from \$6.14 to \$7.22. (3) Monthly sewer only rate from \$49.35 to \$56.91 (4) Stormwater single family unit (SFU) from \$4.00 per month to \$4.17 per month. Since 2012 when the rate was established, there has not been a stormwater rate increase. The last water rate increase was July 1, 2017. There has been one sewer rate increase in the past 6 years. With these increases, the City will

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increase capital expenditures throughout the funds, replacing approximately half the amount of water line that should be replaced every year. It will also invest in frontline employee's salary increase. The stormwater fund will cover multiple smaller projects within the city.

Councilmember Nelson asked Dr. Wodicka to explain what a consent order is. Deputy City Manager responded that for many years Lynchburg was a combined sewer overflow city which meant stormwater and sewers were combined. Waste was being pumped into the river. In 1994 the city came to an agreement with the Commonwealth to rectify this problem. The city must set its rates so that it has resources to make the repairs.

Mayor Dolan opened the public hearing for citizen input.

Mr. Downs Little stated that he is concerned about the 14 vacancies within the Department of Water Resources. He explained that frontline employees are under paid and leaving for better paying jobs. He is in favor of increasing the budget to fill these vacancies. He noted that other municipalities have adopted tiered water rates which allows low-income households to access affordable water and has higher rates for those who are greater consumers. He also noted that residential and commercial water rates should be separate because industrial businesses have more hardscapes and chemicals to treat and because of this, should pay more or treat their chemicals in house.

There was no one to speak in favor or opposition, either by phone, email, or in-person, so the public hearing was closed.

Councilmember Helgeson asked if the average user increase of \$6.14 is per household or per person. Dr. Wodicka replied that this is the average per account.

// The meeting adjourned at 7:18 p.m.

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Clerk of Council

March 31, 2022

// A special called meeting of the Council of the City of Lynchburg was held on the 31st day of March, 2022, at 4:00 P.M. in the 2<sup>nd</sup> Floor Training Room, City Hall, MaryJane Dolan, President, presiding. The following Members were present:

|   |   |
|---|---|
| Present: MaryJane Dolan, Beau Wright, Jeff Helgeson, J. Randy Nelson, Sterling A. Wilder, |   |
| Chris Faraldi   | 6 |
| Absent: Treney Tweedy   | 1 |

//In the matter of Budget, Agenda Item #1, City Council continued the reconciliation of the FY 2023 Proposed Budget. City Manager Mr. Wynter C. Benda stated he would like to look through the budget and find resources to fund the Real Estate Rebate. He stated it would be a one-time expenditure and the Lynchburg City School funding would be an ongoing expense.

Councilmember Helgeson stated that the \$1.3 million preparation of the Ivy Creek Innovation site could be to hire an engineer to do a study of where infrastructure must be located. Mr. Benda responded that those who may potentially develop in this area expect areas of potential relocation to be built out prior to developing.

Councilmember Nelson asked what category the Riverfront Park improvements fell into. Mr. Benda replied they are in ARPA funds. Councilmember Nelson asked for clarification on the Ivy Creek Innovation parts A and B. He stated he was under the impression that this was also going to be paid for by ARPA funds. Mr. Benda clarified that it is funds for implementation. Councilmember Nelson stated that the Parks and Recreation Needs Assessment Implementation has been done. He asked if this will cost \$250,000 to implement; Mr. Benda replied that it is a start. Councilmember Nelson asked if there is a way to easily describe what is being taken out and what is left to gauge the prioritization of whether or why to cut certain projects. Mr. Benda replied that there were large amounts of money to cut but will follow up with specifics. Councilmember Nelson stated he would like to see this information before voting. Mr. Benda stated that if there is a consensus among Council on whether or not to move forward on the rebate, it would be helpful.

Councilmember Faraldi stated he is interested in pursuing a process of offsetting ARPA funding with key projects that Council has noted are important. He stated he would also like to leave approximately \$1.7 million of ARPA funding to complete some of the smaller impactful projects.

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Vice Mayor Wright stated that last year's revenues exceeded projections. He stated the surplus was due to the federal dollars coming to the City, Sales Tax revenues were high, and the Real Estate Uncollectible amount was incorrect. Chief Financial Officer Ms. Donna Witt replied that staff doubled the Real Estate Uncollectible fund from 2.5% to 5% due to the unknown factors of the pandemic but collections actually came in as normal. Vice Mayor Wright replied that there is no real estate surplus, citizens simply paid what they owed and did not pay more than they owe. Ms. Witt confirmed that if a citizen does pay more than they owe, the City issues a refund.

Councilmember Helgeson stated that there was a conservative estimate made and now Council there is a surplus of money that Council should decide what to do with it.

Vice Mayor Wright asked if they are discussing equalizing the rate going forward or discussing a credit.

Councilmember Faraldi replied he is interested in knowing more about using ARPA funding to create a basis for a credit. He would like to demonstrate to the public that they are exploring ways in which they can rectify the situation.

Vice Mayor Wright replied that his concern with the credit is that it will disproportionately benefit the wealthier homeowners. He stated he has not heard from any citizens about rebates but has received feedback about the proposed projects being cut.

Councilmember Nelson stated that the personal property tax rebate will be more impactful. He stated that when Council speaks of a credit it is not in consideration of changing the tax rate.

Councilmember Faraldi stated that a one-time credit is a concern for him. He stated that he is unable to overcome the concern of the tax burden on the citizens.

Mr. Benda replied that there is a finite amount of money that can be manipulated to do different things. He stated he does not know if the City has properly resourced municipal services. The greatest form of revenue that the City has is real estate. He stated that revenues and investments are important to take the City to the next level.

Councilmember Helgeson stated that every year there is more being asked than being spent. He stated there are funds coming in making it easy this year to give a rebate to citizens. He noted that there are policies about tax rates. He stated this is the perfect year to give back to citizens. He noted the

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projects that can be postponed and get the necessary funds for the one-time rebate. Mr. Benda replied that when the gaps are extrapolated the City ends up with less municipal services. He noted that he will get the information for what ARPA funding can be used.

Councilmember Wilder stated he is not in favor of the rebate because of the current needs of the community. He stated that putting projects off will be a worse for the City in the future. He noted that they must trust the City management.

Councilmember Nelson stated that in regards to the Riverfront Park, there should be restrooms constructed to make the park a better asset.

Councilmember Faraldi asked in regards to the Lynchburg Fire Department pay, regardless of what the certification is that employees would receive the associated increase in salary. Mr. Benda replied this is correct.

Councilmember Helgeson asked if they are moving forward with the rebate. Mr. Benda stated that since there is a councilmember absent and there is a question of how ARPA funds can relate, they can postpone that vote/discussion until the next meeting so that the City Manager can obtain this information.

Mayor Dolan stated she is currently not in favor of the credit or rebate due to the needs within the community.

Mr. Benda reviewed the Lynchburg City Schools (LCS) 8% increase in funding which equates to \$5.1 million.

Vice Mayor Wright asked if the \$5.1 million covered the entirety of LCSs request; Mr. Benda replied that was correct. Vice Mayor Wright asked if that would include the amount needed to meet the state match; Mr. Benda replied that was correct. He stated if Council supports meeting the state match, the reserve is where they can pull funds to move forward.

Councilmember Faraldi asked for clarification on ongoing revenues and the Debt Service Reserve. He stated the reserve will be smaller eventually and the additional revenue will be needed for the CIP. Ms. Witt replied that Council will still need to make an effort to put funds into the Debt Service Reserve to address impending debt service increases, depending on how the CIP moves forward.

Councilmember Faraldi noted that this would mean it would be earlier in which they would put additional revenue into this reserve. Ms. Witt stated that it depends on which projects move forward first. She stated

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they are funded with recurring revenues and there are one-time additional funds for the Debt Service Reserve.

Councilmember Helgeson stated that eventually they need a funding formula for schools and they should begin with that thought in mind.

Vice Mayor Wright stated that it seems that there is a robust explanation as to how the City would fund the rebate and would like to see the same consideration into fully funding the schools. Mr. Benda replied that in order to fund the schools' full amount, there will be no general wage increase for City employees, there will be no funds to impact compression, and there will be no funds to increase firefighters starting pay. Vice Mayor Wright stated he would like something more concrete.

// The meeting adjourned at 5:55 p.m.

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Clerk of Council

April 5, 2022

// A special called meeting meeting of the Council of the City of Lynchburg was held on the 5th day of April, 2022, at 4:00 P.M. at the 2<sup>nd</sup> Floor Training Room, City Hall, MaryJane Dolan, President, presiding.

The following Members of Council were present:

Present: MaryJane Dolan, Beau Wright, Jeff Helgeson, J. Randy Nelson, Treney Tweedy, Sterling A.

Wilder, Chris Faraldi 7

Absent: 0

// In the matter of Budget, Agenda Item #1, City Council continued the reconciliation of the FY 2023 Proposed Budget. City Manager Mr. Wynter C. Benda noted that the items before Council are the potential Real Estate Tax rebate as well as the potential increase of financial resources to Lynchburg City Schools (LCS).

Vice Mayor Wright asked for clarification if the proposed budget includes the Real Estate Tax rebate as an option or a recommendation. Mr. Benda replied that he obtained this information from one-on-one discussions with Councilmembers and potentially mirroring the rebate that Henrico County implemented. Vice Mayor Wright asked for clarification that the budget was not proposing a Real Estate Tax rebate; Mr. Benda replied that is correct.

Councilmember Wilder stated he is not in favor of the Real Estate Tax rebate but is in favor of Personal Property Tax relief because of the City's competing demands.

Councilmember Faraldi asked if there is any additional revenue coming in from the Personal Property Tax adjustment that is incorporated into this budget; Mr. Benda replied no. Councilmember Faraldi stated that the ratio that was adopted was 75%; staff is projecting that will bring in a net revenue for Personal Property Tax. He asked if this is the same as the previous budget. Chief Financial Officer Ms. Donna Witt replied that it still allows historical growth but there is always additions and subtractions of vehicles throughout the year so it will not remain the same. Councilmember Faraldi stated that because values have gone up, he will be paying approximately the same amount. He asked if this is accurate. Ms. Donna Witt replied yes however, there will be some growth in that revenue. Councilmember Faraldi stated that the adjustment of Personal Property Tax is no net savings for the tax payer right now. He stated he

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believes the budget can offer everything for law enforcement, front line workers, a 3% employee general wage increase, and can incorporate credit that will be utilizing ARPA as a means to do it. He also stated that the funds exist for Lynchburg City Schools to meet the \$1 million need for 5% State match.

Councilmember Helgeson stated that the budget surplus was due to the City taxing more than needed and since there are ARPA funds available for one-time capital improvements, Council can give back something to the citizens.

Mayor Dolan stated she is in favor of giving back to the citizens by way of a Personal Property Tax rebate.

Councilmember Tweedy asked if the Personal Property Tax rebate is eligible per vehicle or per household; Mr. Benda replied per vehicle. Councilmember Tweedy asked for clarification on the average Real Estate Tax credit would be per household; Mr. Benda replied that it depends on the valuation of the house. He stated that in a particular assessment category it would be approximately \$12.80 per household. Councilmember Tweedy stated she wanted to ensure the public is aware of the average of the two and where the best value is.

Councilmember Wilder stated he is in support of Lynchburg City Schools and trail systems as well as the needs in the community. He noted that Council must be fiscally responsible and investing in the community.

Vice Mayor Wright noted \$1.5 million was cut from Major Building Repairs and Improvements category in order to achieve the new proposals. He asked for specifics on the line items that were being cut. Deputy City Manager Dr. Reid A. Wodicka replied that improvements to the Circuit Court, to City Hall for HVAC, fire station improvements, modernization of the service elevator at the Human Services building, etc. had been removed from the budget. Dr. Wodicka noted that these are smaller projects, but are critical. Vice Mayor Wright asked for further explanation on the \$375,000 cut in parking lot repairs. Dr. Wodicka replied these repairs would include City wide lighting and paving in the lot on Court Street as well as light upgrades to the Riverfront Park lot. Vice Mayor Wright stated that they will also be giving up \$400,000 in general street improvements. He asked for further explanation on this item. Dr. Wodicka

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replied this will be paving and street repair work. Vice Mayor Wright stated they will also be giving up \$1.3 million for preparing site pads at Ivy Creek Park. He asked for clarification on the \$50,000 Community Park Investment Fund. Dr. Wodicka replied this fund is when the City matches community organizations that say they would like to improve City parks in various ways. He stated there were recently two projects in this category at Miller Park. Vice Mayor Wright stated that \$75,000 will go to Heritage Park. Dr. Wodicka replied that this park has not been invested in and what was planned for this is the development of a pavilion and playground. Vice Mayor Wright posed the question if a one-time rebate in which 60% of households will receive fewer than \$175, will this money offset the needs? He asked where Council should be investing; returning money to people or investing in these projects. Vice Mayor Wright stated he will not be supporting a rebate.

Councilmember Helgeson stated that getting a site ready in hopes that someone will want it is costing \$1.3 million. He stated Council can spend much less and hire an engineer to document all that must be done to a site if a developer wants it. In reference to the Riverfront Park improvements, \$3.875 million in ARPA funding has been allocated for a new park in the floodplain that is also in the Downtown 2040 plan. He stated this can be put off. He also noted that the existing dog park funding was raised by the Friends of the Dog Park and maintained by City. This year \$200,000 is being proposed for the dog park.

Mayor Dolan replied that businesses are enticed to come when there are site ready pads.

Councilmember Nelson asked if there can there be any credit applied if Council cannot agree on full credit. He asked if it could be done to take the \$1.3 million toward the site readiness of Ivy Creek and move the project to next year. Mr. Benda replied that it can be done but there may not be support in the future from Council as this is an election year. Councilmember Nelson stated he had previously asked if there is there an immediate need being voiced by the constituency that anyone will purchase and build on this site. The answer at that time was that there was not. He noted that this item could be postponed until next year.

Councilmember Tweedy stated she attends Lynchburg Regional Business Alliance meetings as well as attends business, workforce, and job development conferences. Other localities have pad ready

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sites. She stated this conversation started before the pandemic due to Lynchburg losing out on potential jobs and business coming into the City. She also noted she is in support of postponing the dog park funding and investing that money into education. Mr. Benda replied that there is a difference between ongoing expenses and one-time expenses.

Councilmember Wilder thanked the administrative team for their efforts in developing this budget. He stated Lynchburg needs foresight to build a beautiful city.

Councilmember Helgeson stated he is concerned about the citizens right now rather than the future. He noted he is not in favor of spending funds to achieve a pad ready site.

Councilmember Tweedy stated that there is a potential to cut the River Ridge Library as this is a new project. She stated if they are going to be considering cutting pad ready sites as an ongoing expense then the new library should also be on the list.

Councilmember Faraldi posed the idea of using temporary ARPA funding to offset a credit on property taxes in Lynchburg.

Mr. Benda showed the Lynchburg City Schools funding slide. He stated that Lynchburg City Schools has requested an 8% increase which equates to \$5.1 million. The state match of 5% would equate to \$966,423. He noted that they can meet the 5% with their level funding but it will depend on timing of the average rebate.

Councilmember Helgeson stated that he cannot justify supporting an ongoing expense to Lynchburg City Schools if the City cannot support one-time expenses for its own budget.

Councilmember Nelson stated he supports level funding because if not, the City will be jeopardizing critical projects and other areas that Council has noted as important.

Councilmember Wilder asked for clarification of where the Lynchburg City Schools funding is coming from as well as the amount that it would be. Mr. Benda replied that it would come from the proposed increase to the current reserves. Councilmember Wilder stated he is not comfortable with

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funding the 8% pay raise for Lynchburg City Schools employees but is comfortable with the 5% increase. He stated he would like to see a funding formula in the future.

Mayor Dolan asked if the \$966,425 is an ongoing expense. Mr. Benda replied yes. Mayor Dolan stated if they approve this then it would be in next year's budget. Mr. Benda replied that next year they would start at \$39.8 million.

Councilmember Helgeson stated in reference to the increase to current reserves, they probably should not be cutting their fuel reserves. Mr. Benda replied that the remaining funds after the \$966,425 has been taken out, they will be put back into the fuel reserves. He stated they will not be reducing current reserves to zero, simply just not increasing them.

Councilmember Tweedy stated she would also like to see a funding formula for Lynchburg City Schools. Mr. Benda replied there are steps being made in determining the necessary updates needed for Lynchburg City Schools buildings.

Councilmember Nelson asked Mr. Benda in regards to the state match that the city is required to provide, is this amount of investment necessary in order for the State to provide matching funds for Lynchburg City Schools; Mr. Benda replied yes. Councilmember Nelson asked if the City Manager was aware of these contingencies when he formulated the original budget; Mr. Benda replied he did know of the potential match. Councilmember Nelson asked if he would have proposed these cuts if he was aware of the funding requests before; Mr. Benda stated he did consider the year-to-year Return to Fund Balance. He stated in looking to meet the match and the way to do so, this is the way he would do so. Councilmember Nelson noted he is in favor of the adjustment of the original recommendation to the budget.

Councilmember Helgeson stated his concern that if the City cannot give money back to tax payers but can find a way to spend \$1 million each year on salary increases. He stated that the Lynchburg citizens are tired of the taxing. He noted his opposition to the budget not giving back to the citizens.

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Vice Mayor Wright noted his thanks to City staff in preparing this budget. He stated that there are two competing visions amongst Council of what this budget is. Some feel it is lowering the tax burden. Others feel that we must keep tax rates low but also investing in the services and living experience of Lynchburg that will keep people attracted to the City. He stated Lynchburg is growing but the City has underfunded municipal investments, services, and the organization. He stated that Lynchburg City School staff deserves consideration of investment and support.

Councilmember Wilder stated his support of giving more to Lynchburg City Schools. He stated there are challenging in the schools and he regrets not being able to give more to the school system.

Councilmember Helgeson stated that money will not solve the education issue. He stated doing a citizen survey would be beneficial.

Councilmember Faraldi made a motion to adjourn. The motion was seconded by Councilmember Helgeson and the following vote was recorded:

|  |   |
|--|---|
| Ayes: Dolan, Wright, Helgeson, Nelson, Tweedy, Wilder, Faraldi | 7 |
| Noes:  | 0 |

// The meeting adjourned at 5:51 p.m.

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Clerk of Council

April 12, 2022

// A regular meeting of the Council of the City of Lynchburg was held on the 12<sup>th</sup> day of April 2022, at 4:00 p.m. in Council Chamber, City Hall, MaryJane Dolan, President, presiding. The following Members were present:

|  |   |
|--|---|
| Present: MaryJane Dolan, Beau Wright, Jeff Helgeson, J. Randy Nelson, Treney Tweedy, |   |
| Sterling A. Wilder, Chris Faraldi  | 7 |
| Absent:  | 0 |

// In the matter of Horizon Behavioral Health, Agenda Item #1, Council received a presentation from Ms. Melissa Lucy, Executive Director of Horizon Behavioral Health. Ms. Lucy stated that Horizon served wellness centers with a portfolio of services in the City of Lynchburg as well as in the Counties of Amherst, Appomattox, Bedford, Campbell, and in 2021, served over 11,507 clients in the area. Horizon is unique in providing a doctor for patients to be seen the first time they visit the clinic and can receive limited prescriptions until their first appointment. The programs for crisis intervention, crisis stabilization, emergency services, intensive in-home care, on-site pharmacies, program of assertive community treatment (PACT), and regional partnerships have a direct impact on hospital readmission, and indirect impacts included those from case management, on-site primary care provision, and same-day assessments. Telehealth efforts were initiated and implemented within about two weeks of the beginning of the pandemic, and continued to be offered in addition to in-person services. In 2021, capacity was increased for women allow for continued supportive care during the pandemic. The next initiatives for Horizon included expansion of school-based services, Project Link program implementation, and expansion of crisis services. Horizon applied for a permanent supportive housing grant and received 30 vouchers for individuals with mental illness who were in need of housing.

Councilmember Nelson asked what the general percentage of voluntary requests for assistance versus judicial or law enforcement avenues that drew the attention of first responders. Ms. Lucy answered that majority of patients sought treatment voluntarily, which was in large part because of the positive and consistent relationship that Horizon had with local law enforcement. Councilmember Nelson asked if the referral was from law enforcement and the patient followed up on their own initiative without the need for a TDO or ECO. Ms. Lucy said that it sometimes happened, but also sometimes it was because the officers were CIT trained and working closely enough with Horizon that they knew what referrals they

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needed to make. Councilmember Nelson asked if an officer responded to an event where it was apparent that mental illness issues were present, the officer cleared the call with a voluntary agreement with the person that on their own initiative would make the contact recommended. Ms. Lucy said that sometimes happened, but sometimes officers would bring citizens in person for services or the situation necessitated an emergency custody order. Councilmember Nelson said that he was curious how much compulsion was necessary and whether it required a judicial order. Ms. Lucy replied that it depended on the person, but she estimated that approximately 85% of people came in voluntarily and 15% came in through an order of law enforcement.

Vice Mayor Wright asked what the need for the intermediate beds, which were currently 30 beds at 100% capacity, and if 30 beds was a sufficient number. Ms. Lucy said that the number changes year-over-year, but currently was sufficient. Vice Mayor Wright asked how many people the new Project Link would serve. Ms. Lucy stated that there was no cap on the number of people served with the program, but if demand outpaced the staff's capacity, they would request additional funding to meet the demand, and patients would be served utilizing other programs until Project Link was able to accommodate them. Vice Mayor Wright asked how many people were estimated to be served by the five staff members. Ms. Lucy said it would be approximately 30-50 people depending on the need.

Mayor Dolan said it was important to understand the depth of the mental health situation in the community.

// In the matter of Humankind, Agenda Item #2, Council received a presentation from Mr. Stan Southworth, President of Humankind.

Mr. Stan Southworth, President and interim CEO of Humankind, gave a presentation to the Council. He said that the organization had been able to offer more community-level services in recent decades, and noted that as services were provided, there were more opportunities to collaborate in order to solve community needs. The headquarters of Humankind is located in Lynchburg, with foundational programs offered such as treatment, foster care, adult residential services for individuals with disabilities. For 23 years, they have provided character-based, low-interest automobile loans to those with poor credit. The early headstart headquarters is soon to be open on Flinwick Avenue, with space for 48 children aged 18 months to 3 years to be served, along with service to 16 children in Amherst and 16

children in Bedford, for a total of 80 children. The Motherhood Collective is an opportunity for collaboration with a provider from Richmond called Birth in Color, who would provide training, methodology, and understanding, and Humankind would assist with recruitment and fundraising. A challenge in continuing their lending was using a community bank to book the loan, which retained the interest and fees, so in an attempt to capture back some of that revenue, the Humankind Lending Community Development Financial Institution was created as an emerging CDFI that was now booking its loans through opportunities with ways to work at their Lynchburg and Richmond offices. Humankind had 160 employees at locations throughout the Commonwealth of Virginia and had a \$16M annual budget.

Mayor Dolan said that the Ways to Work program has been very successful.

Mr. Chalmers Nunn, Jr., Chairman of the Board of Humankind, said that the organization were committed to continue to work with the city and had no further plans.

// In the matter of Redistricting, Agenda Item #3, Council continued a discussion on redistricting. Mr. Kent White, Director of Community Development, gave a brief overview of the item to the Council. This was the monthly work session for redistricting, which was required to do based on the results of the 2020 Census, and through this process, the investment of the City Council's time had made this transparent. Staff requested direction from Council on selecting a scenario, with the intent of providing staff the time to find the legal limits in advance of advertising for the public hearing.

Mr. Tom Martin summarized that per the results of the 2020 Census, Ward II needed to gain population and Wards III and IV needed to shift population. All four scenarios met the requirements for redistricting, which was plus or minus 5% of the mean population, and all maintained a majority/minority population in Ward II. Scenario A moved people from the Oakley Avenue and St. Augustine Street area in Ward III to Ward II, while moving an area from Monticello and Hood Street from Ward IV into Ward II. Scenario B moved an area north of Ivy Creek from Ward IV into Ward I, moved an area from Ward III, the Oakley Avenue area, into Ward II. Scenario C was similar to dividing the city into quadrants, moving the area north of Lakeside Drive from Ward IV into Ward I, Ward II would gain the Oakley avenue area from Ward IV, and a larger area of population in the Oakley and Edley Place area into Ward II, the Windsor Hills area of the city would move from Ward III to Ward IV, and the Perrymont Avenue would change. Scenario D was also similar to dividing into quadrants; the area north of Lakeside Drive shifted into Ward

I, while Ward I moved population south of Lakeside Drive into Ward IV. An area east of Old Forest Road shifted from Ward IV into Ward II, and the Oak Ridge area went to Ward II. A lower standard deviation was closer to the mean, which was 19,827 people, and Scenario D was the closest to achieving that. Scenario A would affect 1,150 people, Scenario B would affect 1,816 people, Scenario C would affect 21,603 people, and Scenario D would affect 9,777 people. Hard copy maps were provided at City Hall and Lynchburg City Library along with the survey, and maps were made available on the city's website, so that comments were collected in written form and electronic form. 156 responses were received over one month, and the majority of responses preferred Scenario D, with 41% of people choosing it as their first choice, and Scenario C was second-most favorable. 87% of survey responses indicated a desire for neighborhoods to be as compact as possible, and 83% felt it was important to keep the neighborhoods contiguous. 42% of people were indifferent to whether they remained in the same Ward or not. After a scenario was selected, boundaries would be drawn and voting precinct locations would be located, followed by a public hearing to be held prior to adopting any Ward boundaries, continuing to look at absentee ballot reporting options.

Vice Mayor Wright asked what the legal requirements for majority/minority districts were. Mr. Martin replied that there was only a requirement that a majority be maintained, but no requirement for it to be at a certain percentage, and all proposed scenarios maintained that. Vice Mayor Wright asked if it was correct that it was not a plurality of the various groups represented, but was a majority, so it needed to be over 50% for the requirement. Mr. Martin replied yes, this was meant avoid dilution of the minority vote. Vice Mayor Wright asked what the deadline was for completing this work. Vice Mayor Wright said that the deadline was 60 days prior to the November election, but staff reasonably needed time to complete the work. Vice Mayor Wright asked where Scenario D originated from. Mr. Martin replied that it was a modification of Scenario C. Vice Mayor Wright asked if this item was closed from additional scenarios being presented. Mr. Martin said no, but it was important for whatever scenarios chosen met the legal requirements and that Council approved of the direction moving forward, and the surveys indicated neighborhood continuity and compaction were of evident importance. Vice Mayor Wright said that he had another scenario to propose for consideration, and would work with Mr. White to bring that information forward at a future meeting.

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Councilmember Nelson said that he approved of Scenario C, because it was compact and contiguous as had been recommended for anti-gerrymandering efforts, and it did not split neighborhoods but actually reunited some. He said that he was in favor of Scenario D, because while it did not reunite Cornerstone and Wyndhurst into the same Ward IV, it honored all the other principles that were advocated for, a significant portion of citizens placed it as their first or second choice, it adversely affected a fewer number of citizens compared to Scenario C, and was the closest to the mean number.

Councilmember Helgeson said that he preferred the option with the least disruption. He said that the survey questions were somewhat leading and may not accurately portray what the more nuanced opinions of the citizens were. He said that the next decade would not have so much population decline that action must be made today in order to address the issue that would not be seen for ten years. He said that he could not support creating adverse effects for the constituents of Ward III.

Councilmember Faraldi said that he supported Scenario D due to the data from engagement and his standpoint on maintaining neighborhoods and compact districts. He said that it was unclear what other options there were for maintaining the mean population and contiguous neighborhoods. He said that there were many streets that had one side in one ward and one in another, and he believed that they should rectify that as a part of this process, and there was opportunity to do so with Scenario D.

Councilmember Wilder asked how many people responded to the survey. Mr. Martin answered that 156 people responded. Councilmember Wilder asked what percentage that was of voters. Mr. Martin said that he did not have an exact percent, but it was very small. Councilmember Wilder said that he preferred the less disruptive scenarios such as A or B, but had not made a final decision, and he looked forward to hearing any new scenarios or other pertinent information about the future direction of the redistricting process.

Councilmember Helgeson asked if it was correct that there was additional work remaining to be done at the precinct level after the scenario was chosen. Mr. Martin said that was correct. Councilmember Helgeson asked if people who were affected by the redistricting would absolutely have to move from one district to another. Mr. Martin replied that they did not have to move, but it would be the best-case scenario, otherwise it would be a split precinct. Councilmember Helgeson asked if that was an option.

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Ms. Christine Gibbons, Director of Elections and General Registrar, said that split precincts were an option, but permission must be received from the state and the Attorney General's Office to do so. Councilmember Helgeson asked if someone would be allowed to vote at two different precincts for the two wards. Ms. X said that whatever option was chosen, all streets affected would be changed one at a time in the state's system and notify those affected, so it would be preferred for staff to be given greater than 60 days in order to make the changes, have them approved by the state, and be able to notify constituents in time for early voting to begin in late September. Councilmember Helgeson asked for confirmation that a split precinct would not be undertaken. Mr. Martin replied that it was an option but not an optimal one. Councilmember Helgeson asked if Vice Mayor Wright had an item to present to the Council. Vice Mayor Wright stated that he would like to distribute the map and information for better digestion among the Council.

Councilmember Faraldi said that the true deadline should be 60 days before early voting. Mr. Martin said that that was why the schedule was suggested to give them that extra time. He offered to bring the new scenario back on the February 26 meeting so that the Council could make a clearer decision. Councilmember Faraldi asked if the same amount of public input would be given to the new scenario. Mr. Martin replied that the survey had been closed and the maps had been removed, but it could be reopened. Councilmember Faraldi said that there had been a significant amount of time to receive public feedback, but the feedback would not be nearly as in-depth with this new item. Mr. Martin said that it would not be difficult to reinstate the survey if it assisted in Council's decision. Councilmember Faraldi requested to have the GIS system displayed. He said that the population clumps located south of the city made it impossible to draw districts that maintained the current maps.

City Manager Benda said that the information would be presented at the February 26 meeting, and opportunities for more public feedback would be made available.

// In the matter of Budget, Agenda Item #4A, the Council was briefed on the FY2022 Third Quarter Adjustments. The item will appear before City Council for action on April 26, 2022. Ms. Donna Witt, Chief Financial Officer, gave a summary of the item to the Council. In March, staff began the normal review of FY2022 operating and capital revenues and expenditures of the City's various funds to determine if adjustments were needed prior to the end of the fiscal year. Departments were requested to submit any

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necessary adjustments that needed to be considered. Attachment A provides proposed expenditure and revenue adjustments based on the third quarter review. The General, City/Federal/State Aid, Forfeited Assets, Children's Services Act (CSA), Regional Juvenile Detention Home, Sewer, Airport, City Capital Projects, Schools Capital Projects, Sewer Capital Projects, and Airport Capital/Grant Projects Fund are amended to reflect the FY2022 Third Quarter Adjustments.

// Item #5, Roll Call, Councilmember Tweedy said that she had a phone call from a citizen regarding a new library and the owners of the River Ridge Mall being able to pull literature from shelves or limit operations of a public library due to its location. She said that all public needs of the library must be met so that it could still be a public system operated by the city. City Attorney Freedman said that the management would be allowed to restrict things in the common areas of the mall, but the operations of the public facility would be that of a public building, and that would be included in the agreement so that what happened there would be subject to state, federal, and city rules. Councilmember Tweedy said that there was also concern over the \$100,000 per year towards maintaining of that mall as an agreement, and there was request for a future investment plan for the Plaza Main Library so that it was not negatively affected when other developments were pursued. City Manager Benda said that there was a current Capital Improvement Project to plan for investment of \$3.5M at the plaza branch, which could be made available to Councilmembers as soon as possible.

Councilmember Faraldi congratulated the 16 new firefighters who he saw graduate from the academy. He said that it was also public safety telecommunications week. He thanked the city staff for working to install yield signs for pedestrian crosswalks on Enterprise. He said that speeding continued to be an issue within all areas of the city, so he would like to investigate tools or a dialogue about investing resources to address the issue. City Manager Benda said that options included decreasing speeds in residential areas, which residents usually disapproved of, a zero-tolerance policy, which also could cause negative public reaction due to the heavy enforcement and resulting issuance of tickets, and speed monitoring signs to show drivers their own speed, which could help reduce speeding behaviors.

Councilmember Wilder said that the firefighters' graduation was a wonderful celebration. He said that there was a rededication ceremony at Biggers Park. He said that he also met with residents of the Tyreanna area who had concerns about the project, and would be discussing these with Mr. White. City

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Manager Benda said that there was a date specific to present to the Council to consider about Tyreanna, and they would ensure that date was made available.

Mayor Dolan said that on April 1, the Lynchburg Fire Department Relay for Life Team kicked off their annual fundraising campaign for the American Cancer Society. She said that research showed that firefighters as a profession were at increased risk of being diagnosed with cancer at approximately 15% over the general population, but unfortunately, cancer was not isolated to the fire profession and affected everyone in various ways. She said that the Fire Department's number one fundraiser was the Purple Bucket Campaign, held at Walmart on Wards Road. She said that last year, they collected almost \$20,000 of the overall \$80,000 collected for the greater Lynchburg area. She said that members of the Lynchburg Fire Departments would be stationed at Wards Road, Wednesday through Friday of this week, collecting donations for the American Cancer Society in support of local patient programs and cancer research efforts.

// In the matter of Agenda Item #6, the Council considered a closed meeting to discuss the appointments to the following Boards and Commissions: Lynchburg Regional Airport Commission and Local Emergency Planning Committee, pursuant to §2.2-3711(A)(1) of the Code of Virginia, 1950, as amended.

Councilmember Helgeson made a motion to go into a closed meeting, seconded by Councilmember Wilder, and with no further discussion, the following vote was recorded:

|  |   |
|--|---|
| Ayes: Nelson, Tweedy, Helgeson, Dolan, Wright, Wilder, Faraldi | 7 |
| Noes:  | 0 |

// The meeting was reopened to the public.

// Councilmember Helgeson made the following motion:

WHEREAS, the Council of the City of Lynchburg has convened a closed meeting on this date, pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act; and

WHEREAS, Section 2.2 3712 of the Code of Virginia requires a certification by City Council that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Lynchburg certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open

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meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by Council.

The motion was seconded by Vice Mayor Wright, and Council, by the following recorded vote, adopted the motion:

Ayes: Dolan, Wright, Helgeson, Nelson, Tweedy, Wilder, Faraldi 7

Noes: 0

// No appointments to the Lynchburg Regional Airport Commission or the Local Emergency Planning Committee were made at this time.

// The meeting was recessed at 5:44 p.m.

// City Council reconvened the meeting at 7:30 p.m. The following members were present:

Present: MaryJane Dolan, Beau Wright, Jeff S. Helgeson, J. Randy Nelson, Treney Tweedy,  
Sterling A. Wilder, Chris Faraldi 7

Absent: 0

Councilmember Faraldi gave the Invocation, followed by the Pledge of Allegiance.

// In the matter of Recognitions, Mayor Dolan recognized Katharine Caprise and Arghya Thallapragada, Mayor's Youth Council, Public Safety Telecommunicator Week, and National Community Development Week.

// In the matter of Consent Agenda Items A and B, copies of the January 11, 2022 and January 25, 2022 City Council meeting minutes were previously furnished to the Council, and on motion of Councilmember Wilder, seconded by Councilmember Tweedy, the following vote was recorded:

Ayes: Dolan, Wright, Helgeson, Nelson, Tweedy, Wilder, Faraldi 7

Noes: 0

// In the matter of Agenda Item #7, a public hearing was held and Council considered adopting an Ordinance #O-22-023, approving the alley vacation of an unnamed alley between 101 and 103 Linden Avenue. Council was previously briefed on this item during its March 22, 2022 Business Item Briefings. Mr. Kent White, Community Development Director, provided a brief summary of the petition. Mark F. and Kristen C. Bushing are petitioning to vacate an unopened portion of an unnamed alley, located between

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101 and 103 Linden Avenue. The alley vacation is proposed to allow the combination of their properties. The Technical review Committee reviewed the petition on November 2, 2021, and their comments have been addressed.

The petitioner, Mr. Bushing, addressed the Council and stated that he and his wife wanted to consolidate their properties.

There was no one to speak in favor or opposition, either by phone, email, or in-person, so the public hearing was closed and the matter rested with Council.

Councilmember Helgeson asked if the alley would be able to be used by the other residents of the street. Mr. White replied that the other end of the alley had already been vacated. Councilmember Helgeson asked if the map provided was out of date because the other part was no longer an alley. Mr. White replied that the dates of the title research did not reflect what was currently at the site.

Vice Mayor Wright made a motion to approve the ordinance, seconded by Councilmember Tweedy. With no further discussion from Council, the following vote was recorded:

Ayes: Dolan, Wright, Helgeson, Nelson, Tweedy, Wilder, Faraldi 7

Noes: 0

// In the matter of Agenda Item #8, the Council considered approving an Ordinance #O-22-024 to releasee surplus funds received by the city from the delinquent tax sale of 1119 Wise Street to Robert L. Crews, Sr., the prior sole owner of the property. The Council was previously briefed on this item on March 22, 2022.

Vice Mayor Wright made a motion to approve the ordinance, seconded by Councilmember Wilder.

With no further discussion from Council, the following vote was recorded:

Ayes: Dolan, Wright, Helgeson, Nelson, Tweedy, Wilder, Faraldi 7

Noes: 0

// In the matter of Agenda Item #9A, the Council considered a Resolution R-22-025 appropriating the FY2023 General Fund Operating Budget excluding Discretionary External Service providers.

Councilmember Faraldi made a motion to approve adoption of the FY2023 General Fund, with an amendment incorporating the equivalent reduction of 2 cents of property taxes in the allocation with the CIP, seconded by Councilmember Nelson.

Councilmember Faraldi said that by Council adopting his motion, it would equate to a 2-cent tax credit on property taxes in Lynchburg. He said that this could be achieved with the Ivy Creek development, or they could confer with the City Manager at their next meeting.

Councilmember Nelson said that the taxpayers were deserving of a return of the portion of the balance that was collected from them unexpectedly. He said that he would support Councilmember Faraldi's motion.

Mayor Dolan said that she would support a one-time 2-cent tax credit.

Councilmember Wilder asked if it was possible for the funds to be utilized with the Ivy Creek development and how it would affect that project. City Manager Benda replied that it was possible to postpone funding for the project and resume it in FY2024. He stated that there were resources through the Finance Committee, that if something became immediately available, there was capacity there for it. Councilmember Wilder asked if the Economic Development team had been consulted about the possible change. City Manager Benda stated that they had been notified and were in support.

Councilmember Tweedy said that the additional funds in the general fund last year were able to be allocated in part towards public safety efforts. She asked if staff could analyze the funding formula for city schools in the budget for next year so that the School Board would not have to do so. She said that she could support a one-time 2-cent credit through personal property and car tax relief.

Councilmember Nelson said that the intention was that this would be a real estate property tax credit and not a property tax credit.

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Mr. Freedman, City Attorney, said that State Code provided that for the real estate credit being discussed, in the future, personal property may also be included under that statute. He said that if the motion passed, he would bring back an ordinance that described a method to give back the surplus being discussed. Councilmember Faraldi replied that this aligned with his expectation, especially if it aligned with Councilmember Nelson's second.

Vice Mayor Wright said that the conservative budgeting in finance led to the budget surplus that had been discussed, and it should be emphasized that no one was accidentally overtaxed, but were taxed according to the assessment presented by the City Assessor, which was based on market research and validated by the City Council. He said that there was an appeal process for anyone who wanted to appeal their real estate tax rate. He said that many necessary services would not have been possible had the tax rate been equalized last year. He said that the personal property tax relief would benefit many households.

Councilmember Helgeson stated that past public comment and Finance Committee input indicated that there was disapproval and no necessity for the tax raise. He said that they had overtaxed the citizens intentionally, and it should be returned to them. He said that he could not vote in favor of this because they could do much more.

Councilmember Nelson stated that proposed equalization from last year that multiple Councilmembers supported was a 2- to 3-cent equalization, which was defeated. He said that he was glad that the 2-cent equalization was found appropriate by the Council this year.

Vice Mayor Wright stated that he did not agree with the perspectives of those Councilmembers last year and that he did not hold that position.

Councilmember Faraldi motioned for the pending question.

With no further discussion from Council, the following vote was recorded:

Ayes: Dolan, Wright, Nelson, Tweedy, Wilder, Faraldi 6

Noes: Helgeson 1

// In the matter of Item #9B, the Council considered a Resolution #R-22-026 appropriating the FY2023 Discretionary External Service Providers Budget.

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Vice Mayor Wright made a motion to adopt Resolution #R-22-026 FY2023 Discretionary External Service Providers Budget, seconded by Councilmember Wilder.

Councilmember Faraldi said that due to the continuance of concern with sending funds to Legal Aid, he wanted to note his opposition to the vote.

Councilmember Helgeson said that he would not vote for this item because they had never even discussed the \$50,000 line item for the Downtown Lynchburg Association.

Vice Mayor Wright asked City Manager Benda if the Downtown Lynchburg Association did not want the money. City Manager Benda said that there was an opportunity in the impending year to use their resources to be able to support with community events downtown working with the Downtown Lynchburg Association.

Councilmember Nelson said that there was a modest allocation made to Legal Aid, and while they had faced criticism for the cases that their organization, Legal Aid greatly assisted the 55 to 65 attorneys in the city who donated their time to give legal representation to those who could not afford it. He said that by doing the frontline processing and evaluation, Legal Aid allowed more attorneys to donate their time, resulting in a tremendous benefit of ensuring equal justice for all in the city.

With no further discussion from Council, the following vote was recorded:

Ayes: Dolan, Wright, Nelson, Tweedy, Wilder 5

Noes: Helgeson, Faraldi 2

// In the matter of Item #9C, the Council considered a Resolution #R-22-027 appropriating the FY2023 Operating Fund Budgets for all other funds and appropriating the sums of each fund.

Vice Mayor Wright made a motion to approve the Resolution #R-22-027 appropriating the FY2023 Operating Fund Budgets, seconded by Councilmember Wilder.

Councilmember Helgeson said that an assumption of the budget was raising of the water, stormwater, and sewer rates. City Manager Benda replied that it was a separate item to be decided by the Council. Councilmember Helgeson said that the revenue was assumed to be gathered and used in the budgets presented. City Manager Benda said that was correct. Councilmember Helgeson said that he would not be supporting the vote, because they had only recognized the city's needs.

With no further discussion from Council, the following vote was recorded:

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Ayes: Dolan, Wright, Nelson, Tweedy, Wilder 5

Noes: Helgeson, Faraldi 2

// In the matter of Item #9D, the Council considered a Resolution #R-22-028 approving the FY2023-FY2027 Capital Improvement Program.

Councilmember Wilder made a motion to adopt Resolution #R-22-028 approving the FY2023-FY2027 Capital Improvement Plan, seconded by Vice Mayor Wright.

Councilmember Faraldi made a motion to amend the motion to approve the CIP and strike the Riverfront Park allocation of ARPA totaling \$3.875M and reappropriating them to the pay-as-you-go (PAYGO) projects, affording the opportunity for 6.4 cents on the personal property tax rate as a one-time credit, seconded by Councilmember Helgeson.

Councilmember Helgeson stated that they should take time before deciding to allocate nearly \$4M to a park located in a floodplain. He said that the taxpayers could appreciate the relief if the funds were given in the form of a tax credit.

Vice Mayor Wright said that he opposed the motion because the park would be designed to meet engineering standards for the terrain and was an exciting development for the city.

Councilmember Nelson stated that it was likely essential to at least construct some quality restrooms and remove the portable toilets in Riverfront Park, but some of the other proposed amenities could be funded in different ways. He said that he would not oppose that funding and would leave it to the city to decide the hierarchy of when to engage aspects of the renovations. He said that for that reason he would oppose the amended motion.

With no further discussion from Council, the following vote was recorded:

Ayes: Helgeson, Faraldi 2

Noes: Nelson, Tweedy, Dolan, Wright, Wilder 5

Councilmember Faraldi made a motion to amend the motion to assign the allocated ARPA funds for the downtown sweeper, City Council tech upgrades, and pedestrian waste containers to one-time pay-as-you-go projects to create the opportunity for a 1-cent tax credit, seconded by Councilmember Helgeson.

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Councilmember Helgeson said that they had received \$33M in ARPA funding but was not focused on a single, agreed-upon project, and they had an opportunity to address that by giving the taxpayers a 1-cent credit. Mayor Dolan replied that some of that was being addressed in property tax relief and real estate tax relief, so it was not being totally discounted.

Councilmember Nelson said that the street sweeper and self-compacting trash cans were meant to help personnel be more efficient in operating only when needed, and was meant to translate into net savings for the city over time. He said that it was more efficient to have a small machine to sweep the streets to reach the downtown streets, so he favored that and the other small items that saved taxpayer money.

With no further discussion from Council, the following vote was recorded:

|   |   |
|---|---|
| Ayes: Helgeson, Faraldi                     | 2 |
| Noes: Nelson, Tweedy, Dolan, Wright, Wilder | 5 |

Mayor Dolan said that the original motion, a Resolution appropriating the FY2023-FY2027 Capital Improvement Program, was before the Council.

Councilmember Faraldi said that he felt they should vet every opportunity to give the money back to the taxpayers and was pleased to see some relief in the equalization of the personal property tax rate.

Councilmember Helgeson said that it would be prudent to focus the ARPA funds on pay-as-you-go projects that they knew they had to spend money on rather than using it on many different projects. He said that he was not in favor of this item because of the missed opportunity.

With no further discussion from Council, the following vote was recorded:

|   |   |
|---|---|
| Ayes: Dolan, Wright, Nelson, Tweedy, Wilder | 5 |
| Noes: Helgeson, Faraldi                     | 2 |

// In the matter of Item #9E, the Council considered a Resolution #R-22-029 appropriating \$50,000 of the FY2023 Reserve for Contingencies for use by the City Manager.

Vice Mayor Wright made a motion to approve Resolution R-22-029 appropriating \$50,000 of the FY2023 Reserve for Contingencies for use by the City Manager, seconded by Councilmember Helgeson.

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With no further discussion from Council, the following vote was recorded:

Ayes: Dolan, Wright, Helgeson, Nelson, Tweedy, Wilder, Faraldi 7

Noes: 0

// In the matter of Item #9F, the Council considered a Resolution #R-22-030 setting the Personal Property Tax Relief Rate.

Councilmember Faraldi made a motion to approve the Resolution #R-22-030 setting the Personal Property Tax Relief Rate, seconded by Vice Mayor Wright.

Councilmember Helgeson asked Chief Financial Officer, Ms. Donna Witt, if more tax relief could be given in the budget under this item. Ms. Witt replied that this was a calculation that applied the \$5.5M received from the state based on the value and number of vehicles, among other things. Councilmember Helgeson asked if the 75% fair market value figure was part of this budget as well. Ms. Witt replied no, those bills were already done and should be going out in the coming weeks.

With no further discussion from Council, the following vote was recorded:

Ayes: Dolan, Wright, Helgeson, Nelson, Tweedy, Wilder, Faraldi 7

Noes: 0

// In the matter of Item #9G, the Council considered adoption of an Ordinance #O-22-031 setting the water, sewer, and stormwater rates.

Vice Mayor Wright asked what rates by law they were required to adjust and by how much. Mr. Wodicka said that with a consent order for the sewer rate, it was approximately \$5 per single family household. Vice Mayor Wright asked for clarification about what a consent order was. Mr. Wodicka said that it was an agreement with the state government from the 1990s related to pollution the city was engaged in as a result of the sewer system, so they came up with a plan to stop polluting by spending a certain amount on their rates to make the capital repairs to the system. Vice Mayor Wright asked if it was correct that if they did not adopt this rate, the state could sue the city and get a court order to compel the city to do it. Mr. Wodicka said they would be out of compliance, likely costing far more. Vice Mayor Wright asked if a court could find them out of compliance. Mr. Wodicka said that they would be forced to do physical improvements in a certain time period. Vice Mayor Wright said that they did not have a choice. Mr. Wodicka said that was correct. Vice Mayor Wright asked if the other rate increases proposed were to

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go to investments in staffing and infrastructure. Mr. Wodicka said that was correct. Vice Mayor Wright emphasized that these rate increases were necessary to keep adequate staff and care of water infrastructure in place.

Vice Mayor Wright made a motion to adopt the Ordinance #O-22-031 setting the water, sewer, and stormwater rates, seconded by Councilmember Wilder.

Councilmember Helgeson said that there was no mandate on what they had to charge on a common good fee, extra trash rate, or service fee that was added onto water bills. He said that he would vote in favor of looking at their water and sewer rates if Council was willing to give a reimbursement to their citizens rather than tax increases.

With no further discussion from Council, the following vote was recorded:

|   |   |
|---|---|
| Ayes: Dolan, Wright, Nelson, Tweedy, Wilder | 5 |
| Noes: Helgeson, Faraldi                     | 2 |

// The meeting adjourned at 8:59 p.m.

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Clerk of Council

April 26, 2022

// A regular meeting of the Council of the City of Lynchburg was held on the 26<sup>th</sup> day of April 2022, at 4:00 p.m. in Council Chamber, City Hall, MaryJane Dolan, President, presiding. The following Members were present:

|  |   |
|--|---|
| Present: MaryJane Dolan, Beau Wright, Jeff Helgeson, J. Randy Nelson, Treney Tweedy, |   |
| Sterling A. Wilder, Chris Faraldi  | 7 |
| Absent:  | 0 |

// In the matter of Agenda Item #1, Council continued a discussion on redistricting. Mr. Kent White, Director of Community Development, gave a brief overview of the item to the Council. The Council was previously briefed on this matter on April 12, 2022. This was the fifth work session for redistricting, which was required based on the results of the 2020 Census. Staff requested direction from Council on selecting a scenario for adoption, with the intent of advertising the public hearing and bringing the item back on May 24, 2022 to discuss precinct boundary changes in that day's work session, and finalizing in June to allow adequate time for notice prior to the November election. He said that the survey for public input has been reopened but no responses had been received as of yet.

Vice Mayor Wright clarified that at the previous Council meeting, he had mentioned that he wished to provide another redistricting map to consider, but after discussion with staff, he decided that it was best to not submit the new map.

Councilmember Faraldi made a motion to adopt the Resolution in conjunction with Option D, seconded by Councilmember Nelson.

Councilmember Faraldi said that Option D met many of the requirements of the state while also addressing the growth in the majority of the City. He said that further, the corresponding data from staff indicates that this option is best supported by the public who was surveyed, and that this option was closest to the standard deviation.

Councilmember Nelson said that the standard deviation for this item was the best that they had, and as such was most likely to survive without any modifications when the next Census was taken in 2030, which translated to not disrupting more citizens after the next Census.

Councilmember Helgeson said that ward-specific issues have historically been addressed by the public officials who represented that ward and that representative was given deference when dealing with

specific issues. He said that he could support Option D, but his stated preference was a scenario that presented minimal impact to citizens, and Option D had noticeable impact on the ward he represents.

Vice Mayor Wright said that he was in greatest support of Scenario B, because it had a relatively low impact on citizens and would limit confusion among the public, and thus lessening the work the Registrar's Office would be performing related to the redistricting process.

Councilmember Wilder said that finding the least disruptive option was his primary focus, and while he understood the drive to keep the neighborhood structures contained, citizens would certainly be confused by this change, so he was more in support of Scenarios A and B.

Councilmember Tweedy said that she supported a scenario that had the least impact on their residents.

Mayor Dolan said that she supported a scenario with the least impact, and ultimately preferred Scenario B.

Councilmember Faraldi asked how many total people would be affected by a change in polling precinct rather than in representation of their ward. Mr. White responded that for Scenario D, 9,777 people would change from one ward to another. Ward I would gain population from Ward IV and would also gain from Ward II. Councilmember Faraldi asked how many voters were in the precinct for 101, which currently under Scenario D would be split in half down Lakeside Drive. General Registrar Ms. Christine Gibbons answered that from the November 3, 2020 election, there were 4,789 registered voters and a total turnout for the election of 3,222, and Ward IV had 5,148 registered voters in 2020 with a turnout of 3,746. Councilmember Faraldi asked if the changes only affected the residents between those two precincts. Ms. Gibbons answered that she would not know that information until she physically changed the precinct streets. Councilmember Faraldi reiterated that he was supportive of Scenario D because it did not split neighborhoods in the way that Scenarios A and B did.

Councilmember Helgeson asked if there were any other changes that could be made to compromise and allow for precincts to stay the same while allowing for changes in representation of the Wards. Mr. White answered that it varied. Mayor Dolan asked if this would be more advantageous to Councilmember Helgeson. Councilmember Helgeson replied that it was not more advantageous, but that amendments could be made to these scenarios. Mayor Dolan said that she was viewing the numbers of

people impacted, and Scenario A moved a small number in Councilmember Helgeson's ward.

Councilmember Helgeson said that it moved 1,050 people, and asked Mr. White if that number was equal to those affected in Scenario D. Mr. White responded that it was about the same between the two scenarios for those affected in Councilmember Helgeson's ward.

Mayor Dolan asked what the long-term effect was of Scenario D. Councilmember Helgeson said that the long-term effects were that over the next 10 years, changes would be made, and those changes must distribute growth more equally around the City so redistricting would not need to happen again. Councilmember Faraldi said that in 10 years, Scenarios A and B would require significant adjustments because the growth in the south end of town was projected to continue, and Scenario D allowed them to make that adjustment now to avoid impacting the future, larger population. Vice Mayor Wright said that while there was general consensus about where the future growth was projected to occur, they could not predict it, and regardless of where the growth was, there would be boundary modifications required to accommodate any change. Councilmember Faraldi said that he did not disagree with Vice Mayor Wright, but by making the adjustment now, it would give minimal impacts in the future because they were acknowledging the growth areas that exist currently. Councilmember Helgeson said that the future growth would have to occur in areas other than the southern end of the City based on how developed it currently is in that area. Councilmember Nelson said that he agreed with Councilmembers Faraldi and Wright that things would certainly change over 10 years, but Scenario D was closest to the standard deviation and could absorb any large population growth better than A or B, therefore impacting the least amount of citizens over time by limiting future changes. He added that Scenario B did not follow contiguity or compactness as well as Scenario C or Scenario D, and in order to be true to the philosophies of the movement against gerrymandering, Scenario D was the best choice to make.

With no further discussion, the following vote was recorded:

Ayes: Nelson, Helgeson, Dolan, Faraldi 4

Noes: Tweedy, Wright, Wilder 3

// In the matter of Economic Development, Agenda Item #2, Council received a presentation from Ms. Marjette Upshur, Director of the Office of Economic Development and Tourism, on the 2022 special events for spring and summer. All sectors in the City have seen a growth in special events for this fiscal

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year, with 11 races, 3 food and beverage events, and 20 community engagement events, and the Office of Economic Development and Tourism was on track to permit more than 42 special events this year with a total economic impact of over \$2 million. Special events, whether offered by the City of Lynchburg, businesses or nonprofit partners, contribute to community pride, quality of place and help to enhance Lynchburg as a great place to live, work, and play. The Office of Economic Development and Tourism will distribute a roundup of events planned throughout the City through summer 2022. The summer events flyer was attached in the Council materials and was available at [www.lynchburgvirginia.org/events](http://www.lynchburgvirginia.org/events).

// In the matter of Agenda Item #3, "Housing Toolkit," Council reviewed proposed changes to City Code to address neighborhood blight abatement strategies. Mr. Kent White, Director of Community Development, gave a brief overview of the item to the Council. On March 8, 2022, staff presented a strategy to use the targeted sale of tax delinquent properties, additional demolition resources, and City Code changes to help address the impacts of derelict housing and clutter. One recurring theme during the recent Strong Neighborhood Alliance's listening sessions in Diamond Hill is the impact of derelict housing and blight on the neighborhood as a whole. This feedback is consistent with concerns expressed in other neighborhood planning efforts and complaints that City Council and staff receive. The proposed derelict building ordinance would require owners to submit a plan to repair or remove the structure. The code is structured to incentivize owners to correct the issue or transfer ownership to someone who would correct it, and after a grace period, residential structures without a plan of action could be fined \$500 per month up to the cost of demolition. There is no proposal for additional staffing, so the process would be measured with a focus on condemned buildings, with the penalty payments supporting demolition funding. There is a current inconsistency of demolition requirements of a private owner removing the structure versus the City; the proposed amendments for the demolition code would codify the demolition requirements to require private owners and contractors to match City standards. Amendments to the City's nuisance ordinance would add items including mechanical equipment, household furniture, and containers that can be seen from a public street, and would include materials that were not intended for use within 30 days, or if there was no active building permit. There would be an outreach campaign performed before citing anyone, with a 30-day reminder letter sent prior to any violation notice, and if the issue still remained, the timing and billing of the removal would be communicated.

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Councilmember Helgeson said that the goal for this program is to help renovate these vacant or derelict buildings, and the examples given were illustrative in how drastically it could improve the property and the surrounding neighborhood. He asked what incentives there were for promoting this behavior of homeowners. Mr. White said that staff previously presented five overall strategies, one being to discuss what incentives existed and what priorities should be made for these individual properties.

Councilmember Helgeson said that being able to adequately provide incentives to developers and homeowners was integral to solving the issue.

Councilmember Wilder said that there were many older homes in Ward II, with a variety of homeowner issues, so he was glad to see this as another option in their housing toolkit to address blight and clutter in their community.

Councilmember Helgeson asked if the changes to the demolition ordinance were counterintuitive, because it took away the preferential treatment of a private owner to remove derelict buildings by giving the responsibility to the City. Mr. White said that many of these derelict houses are located in the most densely populated areas of the City, and a focus was minimizing the impact to the neighbors by giving them appreciating values. One important incentive was that the demolition permit costs were waived. Councilmember Helgeson asked how much a permit for demolition cost. Mr. White answered that the amount varied based on the size of the structure, but was a few hundred dollars. Councilmember Helgeson asked if the City had ever resisted demolishing derelict houses. Mr. White replied that his position from Community Development was never that demolition is bad, but the goal is to have demolition with something to follow, and multiple tools and pathways for owners are a part of that. Councilmember Helgeson said that if there is a way to incentivize individuals to do so, it would be beneficial. Mr. White said that they would take lead from Council, as it is a separate ordinance, but it is true that there would be potential for costs and they should make sure they were not further negatively impacting those living next to these structures. Councilmember Helgeson asked if Mr. White could address the issue of clutter. Mr. White said that there was a state code change in 2021 that addressed specific items and gave an expansion of power on that item. Councilmember Faraldi asked if there was an appeals process in the proposal. Mr. White said that there was both an administrative appeals process

for nuisance and clutter, and an administrative and Council-appointed appeals body for building code issues.

Councilmember Faraldi asked if the owner had the ability to combat the administrative ruling in court. Mr. White said yes. Councilmember Faraldi asked if the notification would be communicated only by physical mail or if electronic means of communication could be used. Mr. White said that the requirement is that they post the property as well as take the time to mail it to the mailing address on file.

// In the matter of the Airport, Agenda Item #4, Council opened the bidding process for the Freedom Aviation Franchise Bid Opening and Acceptance. As a result of legal notice that was published in the *News & Advance* on March 24, 2022, and again on April 1, 2022 one bid was received on April 6, 2022 from Freedom Aviation. Mayor Dolan addressed the audience and asked if there were any additional bids offered; there were none and Mayor Dolan declared the bidding closed. Councilmember Helgeson said that Freedom Aviation had relation to Liberty University, and he must disclose that he is an adjunct professor at Liberty University, however he could participate in this discussion objectively and openly to cast a vote for or against this regarding this franchise. Councilmember Faraldi made a motion to accept the bid. The motion was seconded by Councilmember Helgeson, and the following vote was recorded:

|  |   |
|--|---|
| Ayes: Nelson, Tweedy, Helgeson, Dolan, Wright, Wilder, Faraldi | 7 |
| Noes:  | 0 |

Mayor Dolan announced that there would be a public hearing at the April 26, 2022, at 7:30 p.m. in Council Chamber to hear from members of the public regarding the adoption of an ordinance granting the franchise to the successful bidder.

// In the matter of Animal Control, Agenda Item #5A, the Council was briefed on the Extreme Weather/Dogs in Cars Ordinance by Mr. Ryan Ball, Chief Animal Warden. The item will appear before City Council for action on May 10, 2022. On March 26, 2019 City Council approved §7-43, and subsequent amendments were requested to be made to the City ordinance due to 2020 Virginia legislation changes to the definition of “adequate shelter,” which added language requiring a windbreak at the entrance to a dog house in cold weather and properly shaded shelter in hot weather. The proposed ordinance also creates specific language that properly addresses the problem of animals left in vehicles during the summer heat, so that if it was 75°F or greater outside, it would be classified as a Class 4

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misdemeanor, and a repeat offense would be classified as a Class 2 misdemeanor. The current terminology and classifications were inadequate to describe animals left in cars, so the ordinance provides animal control officers and police officers the ability to navigate the situation with discretion and communicate to the public that dogs should only be in the car when necessary and never should be left in cars. This ordinance did not affect transporting dogs in the bed of pickup trucks, but if that situation became unsafe, the charge of animal cruelty would apply.

Councilmember Faraldi asked about §3, which dealt with animals in cars. He asked if a cat would qualify in these scenarios for the intent of the ordinance and if it met the definition in actuality. Mr. Ball said that specifically included were dogs, but they could certainly change the language to encompass domesticated animals or pets. Councilmember Faraldi said that there was no exemption as he read the ordinance that allowed for a situation such as if the car was running or had “significant airflow” such as windows or sunroof being opened. Mr. Ball said that he would be amenable to including that information. Councilmember Faraldi said that he would specifically look for that when approving it in the future. He asked what the fines associated with Class 2 and Class 4 misdemeanors. Mr. Ball replied that Class 2 offered a \$1000 fine and jailtime, and Class 4 was up to a \$250 fine. Councilmember Faraldi asked if temperatures above 95°F were included in the ordinance under the information for doghouses in §C. Mr. Ball replied that for temperatures above 95°F, the dog was supposed to be brought indoors. Councilmember Faraldi asked if that information was contained in the associated materials. Mr. Ball said yes, it was contained under §B-2. Councilmember Faraldi said that the only item he would like to see would be an addition that gives exemption for airflow.

Mayor Dolan said that many people left their dog in the car with the air conditioning on, so language to acknowledge that would be helpful.

Councilmember Nelson asked what a windbreak for a doghouse was. Mr. Ball said that a windbreak was a plastic flap that covered the entrance.

// In the matter of Planning, Agenda Item #5b, Council was briefed on the Cornerstone Condominiums, 1240 Greenview Drive. The item will appear before City Council for action on May 10, 2022. Ms. Rachel Frischeisen, Planner II, summarized to Council that Cornerstone Professional Offices, LLC is petitioning for a CUP at 1213 Greenview Drive to allow three additional condominium units in the Cornerstone TND.

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The property is zoned R-1 Residential, and the future land use map of the comprehensive plan recommends it be a mixed-use area. The additional units would exceed the 600 multi-family units approved for the Cornerstone TND. The proposed buildings would contain commercial office space facing Greenview Drive, consisting of approximately 4,200 square feet, and a total of three residential units would be constructed on the upper levels of the building. The units were not expected to have an overall detrimental impact on the area, which is near a signalized intersection at Greenview Drive and Lighthouse Drive, and no additional curb cuts would be made onto Greenview Drive as a result of this development. The Technical Review Committee reviewed the petition on March 22, 2022 with no major comments of concern, and the Planning Commission recommended approval (5-1) with one vacancy of the CUP petition, and they recommended approval of the rezoning petition on April 13, 2022.

Councilmember Helgeson said that he was not in favor of the petition as presented, because it was missing the intent and codified requirements of the TND, which set the maximum limit of 600 condominiums. He mentioned that a recent proposal requesting the same type of exception for a different property was denied by the Council. He asked if the property could be removed from the Cornerstone TND. Ms. Frischeisen replied that from Council's perspective, that would be held as a public hearing, and from the TND perspective, it was unclear what it would mean to remove this block from Cornerstone. Councilmember Helgeson said that he did not wish to allow an excess of the maximum allowable units in the Cornerstone TND, so another solution would have to be presented before the item returned on May 10, 2022.

Councilmember Wilder asked if the Planning Commission expressed any concerns. Ms. Frischeisen said that one member dissented over the matter for the same reason that Councilmember Helgeson stated, which was that it was reaching above the maximum allowable units. There was discussion of what the allocation was of all the units and if there was flexibility of the unit ranges, but overall, there was not concern over adding the three units. Staff continued to view objectively from the perspective of if the matter negatively impacted the area, which it should not, however, if Council wishes to adhere to the maximum allowed amount of 1,000, that is within its right. Councilmember Wilder asked how many units were proposed in the petition recently denied by Council, mentioned by Councilmember Helgeson. Ms. Frischeisen said that it was 12 units.

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Councilmember Helgeson asked if the current petition was equivalent or greater than 12 units. Ms. Frischeisen stated that there were three units, and the bottom floor was a commercial unit.

Councilmember Faraldi said that he agreed with Councilmember Helgeson that if it was across the street and clearly away from the TND, removing the block from the TND would be appropriate. He asked if there would be a legal implication if they approved amending the TND while having recently denied a similar project. Mr. Freedman replied that he would have to look into the matter with Community Development staff. Ms. Frischeisen said that the property had been described as a townhouse with commercial on the bottom, but from a zoning perspective, that would be viewed more as multi-family.

Councilmember Helgeson said that another solution could be sought rather than exceeding the regulations of the TND. Ms. Frischeisen said that they would discuss options with Mr. Freedman's office. // In the matter of Roll Call, Agenda Item #6, Councilmember Tweedy said that she had received complaints about the business that sat across from E.C. Glass and the Plaza, and she would provide more information later. City Manager Mr. Wynter C. Benda asked if it was the Dollar General. Councilmember Tweedy said yes.

Councilmember Faraldi said that last night, he attended the first community conversations with City schools at Sandusky Elementary regarding the facilities study, and the next one was the upcoming Monday at Linkhorne Elementary. He noted that the Lieutenant Governor was in Lynchburg on Friday, joining LU Serve, an event with Liberty students who cleaned up and tended to things around Lynchburg, to do some gardening work at the Boys and Girls Club. He said that Lynchburg firefighters are currently fundraising and have devoted an immeasurable amount of time to acquiring funds for the fire department.

Councilmember Wilder said that this past Saturday, Liberty University had over 1,200 students from the community representing various nonprofits and agencies that provided services to the community. He said that the City also has a group called the Strong Neighborhoods Alliance that was working in the community with an event called "Clean Your Block Party," which is a much appreciated effort that helped to make the entire community better. He said that he also attended a very informative session along with the Lieutenant Governor and Senator Kaine at the Lynchburg Water Resources Treatment Plant. He congratulated the University of Lynchburg for a program called "Lynchburg Tomorrow," a free leadership workshop offered to 10<sup>th</sup>-12<sup>th</sup> graders on May 4<sup>th</sup>.

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Vice Mayor Wright said that he offered his thanks to the City team that made the state of the City possible last week, the community members and Councilmembers who were able to attend last week, and to those who received the Mayor's Award for Excellence.

Mayor Dolan recognized the Lynchburg Sheriff's Office for their recent support for the citizens of Ukraine. The Sheriff's Office not only responded to a call to action to donate expired body armor to the Lift Up Ukraine Organization, but went beyond the line of duty to partner with Lift Up Ukraine to organize donation of the body armor for over 50 law enforcement agencies throughout the state. This protective gear has been now equipped in Ukraine as they protected their country. The Lynchburg Sheriff's Office not only demonstrates their desire to keep the citizens of Lynchburg safe on a daily basis, but answered the call to help and protect citizens around the world. She said that May 1<sup>st</sup>-7<sup>th</sup> was National Travel and Tourism Week, a time when travel and tourism professionals across the country united to celebrate the value that travel holds for their economy, businesses, and personal wellbeing. In 2020, the City of Lynchburg tourism jobs comprised 3,245 of their local employment, and the tourism industry drove \$18.9M in state and local revenues. During National Travel and Tourism Week, the Office of Economic Development and Tourism encouraged citizens to celebrate and thank restaurants, retail, attractions, and lodging partners that made an impact on their workforce, economy, and community. She noted that the Mayor's Youth Council is very busy this year working on a project, with the culmination being a mural painted across from the skate park, to be completed on Saturday. She thanked the Public Works Department for the help in orchestrating the project.

// The meeting was recessed at 5:31 p.m.

// City Council reconvened the meeting at 7:30 p.m. The following members were present:

|  |   |
|--|---|
| Present: MaryJane Dolan, Beau Wright, Jeff Helgeson, J. Randy Nelson, Treney Tweedy, |   |
| Sterling A. Wilder, Chris Faraldi  | 7 |
| Absent:  | 0 |

// In the matter of Recognitions, Mayor Dolan proclaimed May 1, 2022 – May 7, 2022 as Drinking Water Week. Director of Water Resources Mr. Tim Mitchell was in attendance to accept.

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Mayor Dolan also proclaimed April 26, 2022 as Gary Christie Day in honor of the retirement of Mr. Gary Christie, Executive Director of Central Virginia Planning District Commission. Mr. Christie and wife Fran Christie were in attendance to accept.

Mayor Dolan presented Rev. Dr. Carl B. Hutcherson, Jr. with a Key to the City, recognizing his service to the City of Lynchburg. She also recognized his recent retirement as senior pastor of First Baptist Church of South Lynchburg and proclaimed April 26, 2022 as Rev. Dr. Carl B. Hutcherson, Jr. Day.

// In the matter of the Consent Agenda Item A, Council conducted a second reading and adopted Ordinance #O-22-024 releasing surplus funds received by the City from the delinquent tax sale of 1119 Wise Street to Robert L. Crews, Sr., the prior sole owner of that property. On motion of Councilmember Helgeson, seconded by Councilmember Wilder, Council by the following recorded vote approved the adoption:

|  |   |
|--|---|
| Ayes: Dolan, Wright, Helgeson, Nelson, Tweedy, Wilder, Faraldi | 7 |
| Noes:  | 0 |

// In the matter of the Consent Agenda Item B, Council conducted a second reading and adopted Resolution #R-22-029 appropriating \$50,000 of the FY 2023 Reserve for Contingencies for use by the City Manager. On motion of Councilmember Helgeson, seconded by Councilmember Wilder, Council by the following recorded vote approved the adoption:

|  |   |
|--|---|
| Ayes: Dolan, Wright, Helgeson, Nelson, Tweedy, Wilder, Faraldi | 7 |
| Noes:  | 0 |

// In the matter of the Consent Agenda Item C, copies of the minutes of the February 4, 2022 meeting have been previously furnished to Council. Councilmember Faraldi stated he would be abstaining from the vote due to his absence from this meeting. On motion of Vice Mayor Wright, seconded by Councilmember Wilder, Council by the following recorded vote approved the minutes as presented:

|   |   |
|---|---|
| Ayes: Dolan, Wright, Helgeson, Nelson, Tweedy, Wilder | 6 |
| Noes:   | 0 |
| Abstain: Faraldi                                      | 1 |

// In the matter of the Consent Agenda Item D, copies of the minutes of the February 8, 2022 meeting have been previously furnished to Council, and on motion of Councilmember Helgeson, seconded by Councilmember Wilder, Council by the following recorded vote approved the minutes as presented:

|  |   |
|--|---|
| Ayes: Dolan, Wright, Helgeson, Nelson, Tweedy, Wilder, Faraldi | 7 |
| Noes:  | 0 |

// In the matter of Agenda Item #7, a public hearing was held and Council received citizen input regarding appointments to vacancies that will exist June 30, 2022, in School Board Districts I, II, and III. Mayor Dolan read the names of the citizens who had volunteered to serve on the School Board and the School Districts in which they lived: School District 1 had Mr. James Porter, Mr. Clifton Reed, Ms. Ashley Reich, Ms. Brandy Gibbs, Mr. Anthony Andrews, Ms. Mary Wieberg, Dr. Justin Hensley, Mr. Elliot Clifton, and Ms. Marianne Criswell. School District 2 had Dr. Veronica McCue, Ms. Letitia Lowery, Dr. Martin Day, Ms. Erin Cruz, and Ms. Charleta Mason. School District 3 had Dr. Jason Fleshman, Mr. John Miska, Mr. Gary Woodson, and Mr. Steven Smith.

Mayor Dolan opened the floor to any candidates who would like to speak at tonight's public hearing.

- Dr. Martin Day, nominee for School District 2, spoke before the Council.
- Ms. Letitia Lowery, nominee for School District 2, spoke before the Council.
- Mr. James Porter, nominee for School District 1, spoke before the Council.
- Dr. Veronica McCue, nominee for School District 2, spoke before the Council.
- Ms. Brandy Gibbs, nominee for School District 1, spoke before the Council.
- Ms. Erin Cruz, nominee for School District 2, spoke before the Council.
- Dr. Jason Fleshman, nominee for School District 3, spoke before the Council.
- Dr. Justin Hensley, nominee for School District 1, spoke before the Council.
- Mr. Clifton Reed, nominee for School District 1, spoke before the Council.
- Mr. Steven Smith, nominee for School District 3, spoke before the Council.
- Ms. Charleta Mason, nominee for School District 2, spoke before the Council.

Mayor Dolan opened the floor to any citizens present who would like to comment upon any name that had been submitted, or offer additional names for consideration.

Ms. Susan D. Morrison, School Board Member, spoke in favor of Anthony Andrews for School District 1.

Mr. Andrew Glover spoke about the need to appoint members who will listen to parents.

Clerk of Council Ms. Alicia L. Finney read Mr. Anthony Andrews' emailed statement into the record which spoke to his qualifications to perform as a School Board member.

Councilmember Helgeson made a motion to keep the public hearing open until May 10, 2022, seconded by Councilmember Faraldi, and with no further discussion from Council, the following vote was recorded:

Ayes: Dolan, Wright, Helgeson, Nelson, Tweedy, Wilder, Faraldi 7

Noes: 0

Mayor Dolan stated that the public hearing would remain open until May 10, 2022.

// In the matter of Budget, Agenda Item #8, a public hearing was held and Council considered a Resolution #R-22-032 amending the FY2022 Operating and Capital Budgets and appropriating or rescinding funds to reflect the FY2022 Third Quarter Detail by Fund. The Council was previously briefed on this matter at the April 12, 2022 work session Business Item briefing. Ms. Donna Witt, Chief Financial Officer, gave an overview to Council. The third quarter adjustments were needed prior to the end of the fiscal year and represented multiple funds, and since that presentation, three changes had been made to Attachment A regarding the General Fund, with two items being removed in regard to the Registrar's Office because they were no longer needed and one \$7,000 item added to the Attorney General's Office for temporary staff.

There was no one to speak in favor or opposition, either by phone, email, or in-person, so the public hearing was closed and the matter rested with Council.

Vice Mayor Wright made a motion to adopt the Resolution, seconded by Councilmember Wilder.

Vice Mayor Wright stated that line item information for the budget could be accessed on the City Council webpage.

With no further discussion from Council, the following vote was recorded:

Ayes: Dolan, Wright, Helgeson, Nelson, Tweedy, Wilder, Faraldi 7

Noes: 0

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// In the matter of the Airport, Agenda Item #9, a public hearing was held and Council considered approving an Ordinance #O-22-033 granting a franchise to Freedom Aviation, Inc., to construct, manage, and operate a new aircraft maintenance/storage hangar and office facility. The Council was previously briefed on this matter at the March 22, 2022 City Council work session Business Item briefing, and the Lynchburg Regional Airport Commission formally recommended adoption on April 18, 2022.

Councilmember Helgeson said that while he was unsure of the relationship between Freedom Aviation and Liberty University, he would disclose his status as an adjunct professor of finance at Liberty University, but believed that he could participate in this matter fairly, objectively, and in the public interest.

Mr. Andrew La Gala, Airport Director, stated that Freedom Aviation has been operating as a fixed base operator (FBO) and tenant at Lynchburg Regional Airport (LYH) since acquiring Falwell Aviation in 2011. In 2014, Freedom Aviation purchased the airport's other FBO, Virginia Aviation, and was subsequently awarded a separate lease by City Council effective October 1, 2015. Since that time, Freedom Aviation has operated under two separate agreements: the original 20-year, six-month Falwell Aviation franchise agreement with an expiration of December 2027 and a revised Virginia Aviation lease set to expire in June 2023. Consequently, in order to consolidate its operations and to accommodate growing demand for its aviation services, Freedom Aviation desires to expand its aeronautical facilities through the construction of a new 19,600 square-foot aircraft hangar at LYH, while combining its current facilities contained in its two existing agreements under one franchise ordinance. This franchise consists of two terms; Term One is 20-year, six months for certain facilities (shown in the presentation) and Term Two is for five years with a five-year option for the remaining facilities. Based on the terms proposed under the franchise, Virginia law requires advertising for bids and a public hearing before voting on whether to adopt the franchise and grant proposed.

There was no one to speak in favor or opposition, either by phone, email, or in-person, so the public hearing was closed and the matter rested with Council.

Councilmember Faraldi made a motion to adopt the Ordinance, seconded by Councilmember Helgeson.

Councilmember Nelson said that extensive discussions and analysis of the facilities and operations at the airport had been going on for the past six years, with the result of a lease and franchise

that was now expiring, and the lessons of what could be done with the airport were reflected in the expiring lease and franchise and injected into the new arrangement. He said that he was pleased to support this.

With no further discussion from Council, the following vote was recorded:

Ayes: Dolan, Wright, Helgeson, Nelson, Tweedy, Wilder, Faraldi 7

Noes: 0

// In the matter of Public Comment, the Council heard from a group representative, Dr. John Vassar, Jr. of the Oasis Special Needs Parents Support Group, addressed the City Council. It came to the attention of the group that the upcoming Lynchburg City budget had a reduction of 25% of funding for special needs education in relation to the proposed funding level for other students. They noted that special education, in addition to being a federal mandate, was meant to execute programs that allowed students to become productive, taxpaying citizens. His wife is a corporate CEO who served in the education market space, and recently toured their local special education facilities. She was quite disappointed at the apparent lack of resources and dismal atmosphere despite the heroic efforts of the staff and faculty. There was a significant budget surplus that could easily cover the shortfall with minimal reduction to the surplus. He noted that they were on the verge of an unavoidable economic downturn, and if they remembered the collapse of City tax revenue during 1930-1933, the budget surplus should be used to finance the City during the next recession.

// In the matter of the Police Department, Agenda Item #10, the Council considered adopting an Ordinance #O-22-034 approving the comprehensive agreement for the design and construction of a new police headquarters and to approve the acquisition of property. The Council was previously briefed on this matter at the March 8, 2022 City Council public hearing on the PPEA proposals received for the project. Mr. Ryan Zuidema, Chief of Police, gave a brief overview to staff. After thorough negotiation, the form of the final negotiated comprehensive agreement was posted to the City's website for public inspection and review on April 19, 2022. The comprehensive agreement is ready for review and approval by the City Council, but will not be signed until the associated posting requirement is satisfied.

Vice Mayor Wright said that the contract contained a contingency amount of \$1.75M, and anything remaining from that contingency would be split on a 70/30 basis with English retaining. He asked

if that was customary in agreements such as this for a contingency amount to not come back to the sponsoring entity but to be split in such a manner. Mr. Zuidema said that he would defer to Mr. Freedman or Mr. Benda for that information, but there were negotiations contained within the documents that led to that agreement. Mr. Benda said that usually, the agreement was a 50/50 split, but in these negotiations, the projected costs associated had increased, so for English that split allowed for them to continue. Vice Mayor Wright asked if any of the money was expected to remain at the end of the process. Mr. Benda answered no.

Councilmember Faraldi made a motion to adopt the Ordinance #O-22-034, seconded by Councilmember Wilder.

City Attorney Mr. Matthew C. Freedman clarified that the motion was the adoption of the Ordinance before the City Council, titled "An uncodified ordinance to approve a comprehensive agreement for the design and construction of a new police headquarters building, authorize the acquisition of related real property, and authorize other actions related to such comprehensive agreement."

Councilmember Helgeson said that it was also approving approximately \$47M in funding, which he was glad to support to build this much-needed facility. He asked what the construction timeline was expected to be. Chief Zuidema answered that the most recent schedule provided by English Construction Company estimated their date to occupy the building was September 2024.

With no further discussion from Council, the following vote was recorded:

Ayes: Dolan, Wright, Helgeson, Nelson, Tweedy, Wilder, Faraldi 7

Noes: 0

// In the matter of the FY 2023 Budget, Agenda Item #11A, the Council considered adoption of an Ordinance #O-22-035a approving a method for returning surplus real estate tax revenues to taxpayers during the 2023 fiscal year.

Councilmember Helgeson asked if the language of the ordinance separated the 2-cent tax rebate as one vote; City Manager Mr. Wynter C. Benda stated that was correct.

Councilmember Faraldi asked City Attorney Mr. Matthew C. Freedman how necessary was the language for Item 1 that referenced a specific dollar amount of \$2.6. Mr. Freedman answered that the

statute required the establishment that a surplus existed in the appropriate fiscal year that it was issued, so it was necessary to state the actual surplus amount when doing the return of a portion of the surplus revenues at issue. Councilmember Faraldi said he was attempting to understand if \$2.6M was the surplus, but \$4.8M was the overall increase, where that fell. Chief Financial Officer Ms. Donna Witt answered that they were in the same years, and the \$2.6M was the additional amount budgeted for uncollectable real estate tax that must be attached to real estate tax as a surplus. They did not count on that additional uncollectable being available to the budget, so it could therefore be considered a surplus. The \$4.8M was in FY2022 and was to equalize the tax rate.

Councilmember Faraldi made a motion to approve the Ordinance #O-22-025a, seconded by Councilmember Wilder.

Councilmember Helgeson said that he was glad to see this item come forward and stated his support.

With no further discussion from Council, the following vote was recorded:

Ayes: Dolan, Wright, Helgeson, Nelson, Tweedy, Wilder, Faraldi 7

Noes: 0

// In the matter of the FY 2023 Budget, Agenda Item #11B, the Council conducted a second reading and adopted Resolution #R-22-025 appropriating the FY2023 General Fund Operating Budget (excluding Discretionary External Service Providers).

Councilmember Tweedy made a motion to approve the Resolution #R-22-025, seconded by Councilmember Wilder.

Councilmember Faraldi said that there were multiple items he supported in the general fund, including increases in firefighter and EMS pay to \$40,000, and he would have liked to see the cost-of-living adjustment be targeted more towards those frontline workers. He reiterated that funds were not being properly allocated within the school system, which was an issue that rested with the School Board and had been difficult to manage. He voiced his support of the general fund budget because of the many positive things it would accomplish, noting that the budget as a whole failed to address the \$4.8M increase from the previous year, an issue that could be addressed with the federal funds available through the CIP.

Councilmember Helgeson said that he could not support this item due to the many opportunities presented to create a balanced budget for the taxpayers and the needs of the City, which were not included in this proposed budget.

Mayor Dolan said that the budget allowed them to do what was needed to advance their first responders, employees, citizens, and infrastructure. They needed to continue to invest in the City if they wanted it to be relevant and grow, which was why she would support this budget.

With no further discussion from Council, the following vote was recorded:

Ayes: Dolan, Wright, Nelson, Tweedy, Wilder, Faraldi 6

Noes: Helgeson 1

// In the matter of the FY 2023 Budget, Agenda Item #11C, the Council conducted a second reading and adopted a Resolution #R-22-026 appropriating the FY2023 Discretionary External Service Providers Budget.

Vice Mayor Wright made a motion to adopt the Resolution #R-22-026, seconded by Councilmember Nelson.

Vice Mayor Wright stated that his support of the Virginia Legal Aid Society and the critical role the organization had in the legal system of the City was one of the reasons he was especially supportive of this Resolution.

Councilmember Nelson stated that he supported the lawyers who donated their time to legally represent citizens in order to help them navigate what could be a difficult legal system, especially to those who were unfamiliar with it.

Councilmember Helgeson said that Legal Aid assisted a citizen in suing the City's police officers for discrimination and violation of constitutional rights relating to assisting in the repossession of the citizen's vehicle, and he did not agree with funding an organization that would sue the taxpayers or the police department.

Councilmember Nelson said that while he was precluded from commenting on information he received in a closed session, the characterization of a high-profile case was not factually accurate. He explained that some of the oversights and omissions in that high-profile case were subsequently

discussed, and communication procedures and policies were changed with Legal Aid so that it would not happen again.

With no further discussion from Council, the following vote was recorded:

Ayes: Dolan, Wright, Nelson, Tweedy, Wilder 5

Noes: Helgeson, Faraldi 2

// In the matter of the FY 2023 Budget, Agenda Item #11D, Council conducted a second reading and adopted Resolution #R-22-027 approving FY2023 Operating Fund Budgets for all other funds and appropriating the sums of each fund.

Vice Mayor Wright made a motion to adopt the Resolution #R-22-027, seconded by Councilmember Wilder, and with no further discussion from Council, the following vote was recorded:

Ayes: Dolan, Wright, Nelson, Tweedy, Wilder 5

Noes: Helgeson, Faraldi 2

// In the matter of the FY 2023 Budget, Agenda Item #11E, Council conducted a second reading and adopted Resolution #R-22-028 approving the FY2023 - FY2027 Capital Improvement Program.

Councilmember Wilder made a motion to adopt the Resolution #R-22-028, seconded by Vice Mayor Wright.

Councilmember Wilder said that he supported this because of the several sessions held discussing the long-term strategy to ensure citizens had infrastructure and facilities that were needed, which had been stated to be hundreds of millions of dollars in repairs and renovations. The strategic funding to support their capital needs and ensure their City maintained a good bond rating and their citizens maintained a good quality of life.

Councilmember Helgeson said that it would have been more beneficial to take ARPA funds to apply it to the police headquarters project because it would lower the debt service to be paid, and would be one project paid for rather than the numerous projects included in the capital improvement plan that had not been discussed previously as funded projects, yet were now included as yearly funded projects. He reiterated his desire for fiscal restraint and utilization of budgetary priorities. Mayor Dolan asked Councilmember Helgeson to speak in less generalities about the projects and to be more specific in his comments, as each item in the CIP had been previously discussed. Councilmember Helgeson mentioned

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one in particular was the \$4M put towards the park in the floodplain, which was mentioned in the 2040 plan, but now was moved into the top projects included. He would rather debate and prioritize the items not at the expense of the money that could be used towards the police headquarters, so debt would not need to be financed in the following years. Mayor Dolan replied that many of these items were included so that all of the neighborhoods were being invested in by the City.

Councilmember Faraldi said that City Council would be failing to reconcile an unnecessary \$4.8M tax increase from last year. A 2-cent property tax credit was being applied in part to correct this, after much conversation and debate.

Councilmember Helgeson asked City Manager Mr. Wynter C. Benda if the fuel reserve amount was at zero. Mr. Benda said no; it was \$300,000 to begin with, and the increase would have been \$200,000 more. Councilmember Helgeson said that that reserve was eliminated to be spent, as well as multiple other reserves to be spent on this budget, which he did not find fiscally prudent when it could have been given back to the taxpayers rather than spent.

With no further discussion from Council, the following vote was recorded:

Ayes: Dolan, Wright, Nelson, Tweedy, Wilder 5

Noes: Helgeson, Faraldi 2

// The meeting adjourned at 9:25 p.m.

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Clerk of Council

May 16, 2022

// A special called meeting of the Council of the City of Lynchburg for the purpose of conducting interviews with candidates for the School Board was held on the 16th day of May, 2022, at 1:00 P.M. in the Council Chamber, City Hall, MaryJane Dolan, President, presiding. The following Members were present:

Present: MaryJane Dolan, Beau Wright, Jeff Helgeson, J. Randy Nelson, Treney Tweedy,  
Sterling A. Wilder, Chris Faraldi 7

Absent: 0

// On motion of Councilmember Wilder, seconded by Vice Mayor Wright, Council, by the following recorded vote, elected to hold a closed meeting for the purpose of interviewing the following candidates for appointments to the Lynchburg School Board pursuant to Section 2.2-3711(A.)(1.) of the Code of Virginia: James Porter, District 3; Erin "Rox" Cruz, District 2; Clifton "Dale" Reed, District 1; Martin Day, District 2, and; Kevin Struble, District 1.

With no further discussion from Council, the following vote was recorded:

Ayes: Dolan, Wright, Helgeson, Nelson, Tweedy, Wilder 6

Noes: Faraldi 1

// The meeting was reopened to the public.

// Councilmember Helgeson made the following motion:

WHEREAS, the Council of the City of Lynchburg has convened a closed meeting on this date, pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act; and

WHEREAS, Section 2.2 3712 of the Code of Virginia requires a certification by City Council that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Lynchburg certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open

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meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by Council.

The motion was seconded by Vice Mayor Wright, and Council, by the following recorded vote, adopted the motion:

Ayes: Dolan, Wright, Helgeson, Nelson, Tweedy, Faraldi 6

Noes: 0

Absent: Wilder 1

// The meeting adjourned at 5:43 p.m.

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Clerk of Council

May 10, 2022

// A regular meeting of the Council of the City of Lynchburg was held on the 10<sup>th</sup> day of May, 2022, at 4:00 p.m. in Council Chamber, City Hall, MaryJane Dolan, President, presiding. The following Members were present:

Present: MaryJane Dolan, Beau Wright, Jeff Helgeson, J. Randy Nelson, Treney Tweedy,  
Sterling A. Wilder, Chris Faraldi 7

Absent: 0

// In the matter of Public Works, Agenda Item #1, Council received an update on the Shentel Glo Fiber Installation. Ms. Gaynelle Hart, Director of Public Works, provided Council with an overview of the item. This was a successful partnership between the City, Shentel, and Hurt & Proffitt to bring fiber to thousands of homes in Lynchburg and providing citizens another option to have high-speed internet and TV-streaming services brought to their home. The process began in 2019 when City Council approved the franchise agreement for Shentel to operate a cable TV company within the City limits. Then Shentel stated their plans to design and construct a fiber network for approximately 20,000 homes in Lynchburg in a two-year timeframe, estimating that they would be submitting about 230 projects over the two years, and four to six permits per week for review by City staff. This was in addition to the normal developmental reviews they would have to do, and they quickly realized they did not have staff to process these plans and applications in a timely manner. If Shentel followed the normal City process, they would have submitted plans to the Technical Review Committee, received comments, and revised the plans. Once the plan was approved, they needed to apply for permits, such as excavation permits for digging in City streets, maintenance of traffic permits for lane closures. The entire process of approval of a plan to permitting could take five to eight weeks depending on number of revisions. To solve that dilemma, City staff engaged with Hurt & Proffitt to supplement their staff and to expedite review and approval. Hurt & Proffitt initially embedded an engineer into the Engineering Division to streamline the process along with Shentel. Shentel continued to reimburse the City for any additional expenses, such as the cost of Hurt & Proffitt or any additional expenses incurred due to the expedited process. They were able to reduce the review time from five to eight weeks to one to two weeks, which allowed Shentel to construct up to 12 projects at any one time in the City. The partnership had been a great success, and the understanding was that there were cities considering replicating this process so that they were able to build out their

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network quickly and offer services to citizens. Ms. Hart introduced Mr. Matthew Estep, Vice President for Engineering and Construction with Shentel, who would give an update on their construction process. Mr. Estep thanked the City Council for the partnership Shentel and the City had developed over the past few years and for the staff who assisting greatly with the permitting process. The latest update on the project was that they were about 75% complete with the initial plan, with 10% remaining in the construction and permitting phase, and 15% that would require additional agreements. The key players from a franchising standpoint were Assistant City Manager Mr. John H. Hughes, IV and Deputy City Manager Dr. Reid A. Wodicka, who presented this information to Council, as well as Ms. Kate Berger, Ms. Gaynelle Hart, and Mr. Lee Newland who assisted in the permitting and construction process. This process was planned to replicated in the company's future ventures because they understood that the localities had fixed resources, and the flexibility and partnership had been key in success. He said that they measured themselves on a damaging complaint basis, and Lynchburg perhaps four times better than most of their markets, which he contributed to the press releases, communications, and the permitting processes of the City. He introduced Mr. Don Gibson. Mr. Gibson stated that after moving through the build phase, the next step was deploying the product and selling it to citizens. The citizens of the City now had a choice for broadband, with speeds that were better than offered before and competitively priced. Recently introduced was a 100Mbps plan for \$30, and with the Affordable Connectivity Program (ACP), this was a free internet service. Recently an agreement was signed with Stewart Langley to perform over 900 multiple dwelling unit upgrades, the process for which was beginning over the next few weeks. Additionally, a small business offering was tailoring product to suit individual businesses' needs. They continued to expand into other cities in Virginia, but Lynchburg was a great city to work with and be located in.

Councilmember Wilder said that it was important for citizens to have options. He asked what areas of the city Shentel was currently providing service in. Mr. Gibson answered that they were throughout the City in different places, but building continued. Mr. Estep said that mapping and updates would be provided for the service boundaries, including completed and in-progress projects, but he did not currently have street data available.

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// In the matter of Public Works, Agenda Item #2, Council received an update on the Appalachian Power Distribution & Transmission Project Update. Director of Public Works Ms. Gaynelle Hart introduced Mr. Larry Jackson, the external affairs director for Appalachian Power. Mr. Jackson said that present with him was Mr. Tom Woodford, an account manager who had dealt most with the many projects in the City. He said that expectations had changed over the past couple of decades about what customers expected of their power company; not only do they prefer and demand more reliable service, they demand it to be from cleaner sources. AP intended to be carbon-neutral by 2050, although they had been a coal-fired company in the past. Customers also wanted information on what caused power outages when they occurred. He explained that most outages occurred due to old infrastructure failing, trees falling, or severe weather events. The partnership between the City and Appalachian Power was essential to being able to clean up after such issues. While weather events and trees falling could not be controlled, aging infrastructure could be addressed, and that was currently being worked on extensively in this area. Many projects were underway in the City, and there were many more to come. Recently completed was the downtown project and the Water Resources dual projects, and nearly finished was the Dearington/Reusens transmission line rebuild. The transmission work was finished, and multiple transmission line rebuilds were all going to Reusens station, which at one point was the substation for the entire area, and why most of these major lines go into that one point. It was difficult to rebuild many of these lines because it was difficult to put an outage on that station without creating an outage for most of the City, so it must be taken piece by piece. The last two major transmission lines were rebuilding lines from the 1930s and 1940s, the Reusens/Roanoke transmission line and the Reusens/New London transmission line. The latter transmission line would have an impact because it went through the City, and it would be in the late 2020s when everything would be completed. There was another project in Nelson, Amherst, and Albemarle Counties that would bring in reinforcement from Dominion in Charlottesville. Once transmission work was completed, distribution would follow. An area in the City that was challenged during severe weather events was around Virginia Baptist Hospital, so one of the first distribution automation systems they would install would be feeding into that area of the City, where electronic reclosures would sense an outage, disconnect the part of the circuit that had the problem, and reconnect from another source. At that point, new sources would be coming in from the Reusens station, so Virginia

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Baptist Hospital would have better service than in the past. In regard to reliability in streetlighting, the next major change would be to get the 10,000 streetlights that Lynchburg currently has to be replaced with LED lighting. The challenge around streetlights currently was that there was no way to monitor them other than by eyesight, and they did not have the existing technology that would allow them to monitor them remotely. Issues could be reported online at [www.appalachianpower.com](http://www.appalachianpower.com) or by phone at 1-800-956-4237.

Councilmember Tweedy asked if the streetlight poles would be as massive on Hollins Mill Road. Mr. Jackson said yes, as it was the new federal standard for transmission lines to keep them high and away from the trees.

Councilmember Nelson asked Mr. Jackson if the Reusens station was the first source of electrical power in the area. Mr. Jackson answered that the Reusens Dam was installed in 1850, energized in the 1890s, and was the first source of electricity for the City, followed by the Blackwater coal-fired plants, which were what fueled the trolley lines, and ultimately led to Appalachian Power coming to Lynchburg in about 1925. Councilmember Nelson asked if the electrification of the Reusens power station coincided with the Rivermont Electric Attraction Company, the streetcar line. Mr. Jackson stated that those four or five attraction companies combined into Lynchburg Attraction & Light, which was what Appalachian Power purchased in 1924 and 1925. They were then able to move out to the University of Lynchburg area and Rivermont, leading to further growth of the City.

Councilmember Helgeson asked for clarification that the LED lights did not require a different pole, but did require a different bulb. Mr. Jackson said that the existing high-pressure selenium lights had to be out farther over the road than the LED lights, so the arms of the streetlights would be shorter, and the LED lights were brighter and cleaner lights that provided better visual aid on the street.

Councilmember Helgeson asked how long it would take to install the 10,000 streetlights. Mr. Jackson replied that it would depend on the supply chain deficiencies. Councilmember Helgeson asked if there was any estimated timeline. Mr. Jackson said that he could not make a commitment, but whenever an existing streetlight failed, they would replace the entire head with the new technology. Councilmember Helgeson asked what the procedure was when power outages were experienced in the parts of the City that would not have updates made to their power grids. Mr. Jackson said that the meters that indicated

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outages were not always accurate, so it was encouraged for people to call or report it online. The AP website provided updated outage information that was accessible to the public.

Mayor Dolan asked if AEP had a system to allow people to be notified when the power was out; Mr. Jackson replied yes.

Mr. Jackson said that the average customer in Virginia in 2010 used less than 1300kWh per month, at 10.3 cents per hour. In 2020, the average customer in Virginia used 200kWh less per month at a 0.5 cent increase. Energy efficiency was important, so they were trying to make a more robust program to allow more people to become more energy efficient.

// In the matter of Schools, Agenda Item #3, Council continued the Lynchburg City Schools Facility Study Part II: Demographic Analysis. Superintendent Dr. Crystal Edwards provided Council with an update on the Lynchburg City Schools Facility Study concerning the demographic analysis and introduced Mr. Blair Smith with Dominion 7. Mr. Smith stated that this item was a follow up to the March 22, 2022 work session and had been presented to the School Board. The first task was demographics, which included information on the City population and school enrollment. The City population between 2020 and 2025 was expected to increase by 1,360 people to 80,340 or by 1.7%, and from 2025 to 2030 the City population was expected to increase by 1,000 people to 81,430 or by 1.2%. Significant numbers of the 18-24-year-old population is leaving the City for college or employment. The median age was expected to increase from 31.0 in 2020 to 33.0 in 2030. Most non-college in-migration to Lynchburg occurs in the 0 to 9 and 25 to 44-year-old age groups. The schools of the City that would be seeing the largest increases in population were the Dearington area, with 11.5% increase, and Heritage with 10.8% increase. The schools of the City with expected decreasing populations were William M. Bass with 12.8% decline, Linkhorne with 0.2% decline, T.C. Miller with 0.7% decline, and Perrymont with 0.2% decline. Fertility rates in the country had been declining since 1948, and Lynchburg resident fertility rates reflected this and overall were 10% below replacement level, which was a primary reason for the decline in enrollment rates. A challenge faced by the City was that there was not much availability for new subdivisions, meaning that for a family to move into Lynchburg, another family must move out in order for that home to be made available. There were currently between 500 and 550 students in the City who were being homeschooled, which was about 50 to 75 students more than before the Covid-19 pandemic. Private

schools not only drew from the City but the surrounding areas as well, so it was difficult to compare it in any form. The enrollment of the schools based in relation to the population of the City was in a decline beginning in 2010. There were four attendance zones inside the City that were expected to grow by about 10%, and two attendance zones were expected to experience flat growth. There was a historic trend that the decline rate was flattening, which was expected to continue in the future. From 2021-2022 to 2026-2027, the total enrollment decrease would be 383 students or 4.9% across the division, and from 2026-2027 to 2031-2032, total enrollment decrease would be 189 students or 2.5% across the division. The projection was for the elementary school enrollment to increase after the 2023-2024 year to 7.8% or 290 students by 2031-2032. The increase should not be perceived as a long-term trend, as the long-term trend was for it to continue to decline. The projections over the next 10 years did not take into account any change in the Pre-K enrollment, which was currently at 268 children, along with a waiting list. Elementary school enrollment projections were provided for each ward's schools, using 19 years of data from the Virginia Department of Education. All elementary schools were expected to see an increase in enrollment in the future. Middle school enrollment will decline by 5.1% or 87 students by 2031-2032, and high school enrollment will decline by 14.5% or 352 students by 2031-2032. However, due to the projected increase in elementary school enrollment, there would be a later increase at the middle and high school levels due to matriculation. The report was prepared by Cropper GIS, who utilized a demographics expert named McKibben. The methodology of Cropper GIS included that historical enrollment did not affect the enrollment forecast, which is a significant difference between that analysis and Weldon Cooper's. Another component of the Cropper GIS methodology is that existing housing sales are a key component. The Weldon Cooper methodology relied on birth to kindergarten ratios and historical enrollment, as well as relying not on existing home sales but new home construction as a key component. Comparison of reports were provided for elementary, middle, and high school demographics projections. Based on information provided by the City and from best practices, there would be a lower teacher ratio in kindergarten versus a 5<sup>th</sup> grade classroom, but not considered was that the City schools received funding for limiting class sizes. Provided was a chart that indicated the maximum class size with projected funding, in which there were inefficiencies. A question that remained for consideration was if it was more efficient to condense the classes or if it was better to receive that funding for limiting the class

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sizes. Capacity and utilization rates indicated that as time went on, there was chance of overcrowding at the elementary schools and underutilization at the middle and high school levels, which was a situation typical for all divisions with declining enrollments. Urban divisions have neighborhood schools, which made school closures a challenge, and rural divisions have schools spread over a larger area, which made consolidation a challenge. A task not within their scope was that they were encouraging the School Board to seek out a national educational planner to provide a national perspective on the trends and solutions of similar school divisions to facilitate a locally-developed vision for the City. In addition, it was recommended that a new vision for the Lynchburg City Schools be developed in order to determine the future of Pre-K education, evaluate the Schools for Innovation, and to develop a marketing campaign to promote Lynchburg City Schools. In doing so, this would help identify what the needs for the facilities would be and allow for improvement through renovation and new construction. Energy efficiency was a priority for school buildings, and collaboration and technology spaces were part of future learning. The demographic trends likely could not be slowed in the future, but things such as marketing what was offered could improve that situation. Recommendations to consider included relocation of programs that were currently leasing space, repurposing of elementary schools versus closing the school and leaving it empty, determining the future home for the alternative programs and LAUREL, if the school administration should be relocated to an existing school, and to work to find ways of keeping or attracting young families. The potential options were to focus on operational efficiency, a middle ground option, and to focus on existing facilities. Additional recommendations included update of the demographic report after the 2020 census is complete and regular budgeting every 10 years of funds for demographic study with the population changes. Assuming that the enrollment at the middle and high schools will continue to decline, those schools will soon be too large for the number of students, so the future of those buildings should be considered. A challenge to be continually addressed was the evaluation and balance of the needs of the division versus the needs of individual schools and neighborhoods. The School Board will inform and seek guidance from the community and school faculty and staff, and will develop three elementary school options for the future of the Lynchburg City Schools for the public's review and discussion. The Dominion Seven Architects' role will be to provide technical assistance, development of proposed physical changes to schools and attendance zones, short-term maintenance projects,

estimated costs, schedules, and phasing of construction projects, energy savings options, and to document the recommendations in the final report.

Councilmember Faraldi asked if clarification could be provided on the statement that the past was not relevant for the future enrollment in the schools. Mr. Smith answered that it specifically meant that if the enrollment had declined by 5% over the last 10 years, it should not be assumed that it would continue to decline by 5% in the next 10 years. Councilmember Faraldi said that it had not gone up in the past five, 10, or 20 years, so it was difficult to understand the correlation between the decline and the expected increase in elementary school enrollment. Mr. Smith said that per the calculations used to find these projections, the increase in the elementary school level was not expected to continue over time, but was an anomaly that would ultimately result in an overall decrease. Councilmember Faraldi said that he had difficulty understanding it without knowing the exact processes of the calculations mentioned. Mr. Smith said that specifics could be provided by the members who performed the calculations. Councilmember Faraldi said that he would welcome that, because this was a difficult process to undertake and that information was vital to him, especially with the past 20 years of decline in enrollment with relation to the investment strategy of the City. Councilmember Faraldi asked for clarification about the main reason there was no increase in overall enrollment being due to fertility rates. Mr. Smith replied that fertility rates were down. Councilmember Faraldi asked what the fertility rates for Lynchburg were specifically. Mr. Smith answered that he did not currently have that report but could say that it was 10% below the median to replace the death rate. Councilmember Faraldi asked if it was known how many school-aged children there were in the City. Mr. Smith said yes, that number was included in the demographics report. Councilmember Faraldi asked if it was known how many of those students were enrolled at LCS. Mr. Smith said that it was certain that that information was known. Councilmember Faraldi said that he was told during the budget process by their City Manager that that information could not be found. Mr. Smith said that there was not current information; information from the 2010 census was available, but the 2020 census would not provide that information until the end of the year. Councilmember Faraldi said that information was helpful. Given the challenges seen in education and the reasons why people were leaving, he did not understand how fertility rates were why enrollment was decreasing, so he was curious to see how the calculation put that forward.

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Councilmember Helgeson said that there were many schools located near each other in the City, and if they were looking at updated data, the decline in enrollment would result in the attendance zones to be redrawn, especially if they were also closing schools. Mr. Smith said that if schools were closed, attendance zones should be reconfigured. Councilmember Helgeson said that how they were drawn now was likely not the best way to be configured. Mr. Smith said that they were what was currently had. If they kept all the schools, they had to check and make sure they complied with the 1971 court order, which had not been done, so it was unclear if the attendance zones could be changed due to that. Councilmember Helgeson asked if the Heritage High School functional capacity was 1,460. Mr. Smith said that Heritage High School was built for 1,200 students based on the criteria they were working under, and that number may include the governor's school. Councilmember Helgeson said that based on projections, the high school was given additional functional capacity, but they were now at 900 and were expecting that to be about 63% utilization moving forward. Mr. Smith said yes. Councilmember Helgeson said that there were recent analyses that indicated growth, which was why Heritage was given that additional capacity. Mr. Smith said that he could not comment as he was not involved in those conversations. Councilmember Helgeson asked if any internal factors had been analyzed. Mr. Smith said no, because that was not part of their charge. Councilmember Helgeson said that internal factors should be analyzed in order to better understand the demographics and the current attendance zones. Mr. Smith said that the school populations and City populations could be recreated in particular areas when redesigning the attendance zones. Councilmember Helgeson said that a recommendation that he did not agree with was that there was a loss of enrollment that necessitated demolishing an old school and building a new one. Mr. Smith replied that a challenge was meeting the requirements of the 1971 court order when shutting down schools and moving students to another school. Another issue was that construction and renovation was necessary to make consolidation of other schools available while closing another school. Councilmember Helgeson asked what the premise of the 1971 court order was. Mr. Smith said that he was unsure of the specifics, but the schools' attorney was researching related information. Mr. Freedman said that he was unfamiliar with the court order, and he was not the primary attorney who worked with the schools so he could not provide anything further. Councilmember Helgeson asked if the court order was in reference to busing for integration of schools. Mr. Smith said that part of the issue was that some of the schools

mentioned no longer functioned as the same type of school, which was why he could not analyze the matter further.

Councilmember Tweedy said that even with declining enrollments, there still remained 7,000 children in the City who needed education. She said that she agreed with Councilmember Helgeson that the 1971 court order played a large role in this issue, and along with the schoolyear being based on the Farmer's Almanac, these ideas had not been revisited since the initial development of the public school system. She asked if information could be provided as to why families chose education outside of the school system and if there was anything that could be done to influence those choices. It was crucial for the national educational planner to assist in approaching this process. For future development of the schools, they must consider how to create schools differently in terms of programming and draw more students, as well as reflecting the business needs and growth.

Vice Mayor Wright asked if it was known what the percentage of children within the City were enrolled in the school system. Mr. Smith said that he did not know. Vice Mayor Wright asked if other localities reported that information. Mr. Smith said that he was unsure if other counties did those types of comparisons, but he would seek more information to provide to Council. Vice Mayor Wright asked if projections would be updated once 2020 data was received. Mr. Smith said that it was recommended that they do so. Vice Mayor Wright asked if they should be updated for 2030 or within the next year. Mr. Smith said that whenever the data was published, the numbers should be updated. Vice Mayor Wright said that it was mentioned that enrollments had declined since 1948, but the curve seemed to be flattening. Mr. Smith answered that birth rates had been in decline since 1948. Vice Mayor Wright asked if the decline in enrollment had been occurring since first recorded. Mr. Smith said that it began declining in the mid-1960s. Vice Mayor Wright said that there appeared to be a spike in the graphs in enrollment around 2009 and 2010, and he was curious if it was due to the economic crisis. Mr. Smith said that that was limited to the Bedford Hills area, which he was unsure of the source of. Vice Mayor Wright asked if other wards had similar increases. Mr. Smith said that there were variations between the zones, but he could not explain why. Vice Mayor Wright asked if the schools must have a certain elasticity to account for spikes in enrollment. Mr. Smith said absolutely. Vice Mayor Wright asked what the right amount of capacity was in that instance. Mr. Smith said that planning for 80%-94% capacity was optimal, and 100% capacity would

mean adding trailers. Vice Mayor Wright asked if the funding chart included funding from the state. Mr. Smith said that he did not know the source of the funding. Dr. Edwards stated that they received funding for class size reductions, based on a three-year average of the free and reduced lunch poverty rate for individual schools, and that class size must be maintained to receive funding in grades K-3. Vice Mayor Wright asked if that funding went to those specific schools assuming those class sizes were maintained. Dr. Edwards replied yes. Vice Mayor Wright asked what determined the maximum class size number for this funding. Dr. Edwards said that the class sizes were based on the three-year average poverty rate of that school and were administered by the state upon receipt of the application for funding. Vice Mayor Wright asked if the numbers were based on what the facility could accommodate. Dr. Edwards said no, the numbers were guidance to receive funding, but were not based on the actual building the classes were located in. Mr. Smith said that capacity differed when using the ratios provided by localities versus state and federal data, so it was difficult to plan for. Vice Mayor Wright asked what metric was used for the capacity and utilization score card provided. Mr. Smith said that he used the reduced maximum class size in the funding chart. Vice Mayor Wright asked if that was not based on the physical capacity of the school. Mr. Smith said that he would personally use the standards of the Virginia Department of Education to design an elementary school and kindergarten class size. Vice Mayor Wright said that when discussing the optimal class size, he struggled to understand what parameters should be used. Mr. Smith said that an educational planner would be able to determine how to design the schools for future use.

Councilmember Wilder said that the Council must decide through policy how to invest in the City to create infrastructure to attract young families. Lynchburg was different from other cities because of the amount of private schools and Christian schools, and he would like to know how those numbers compared to other cities. He asked if this study addressed whether empty classrooms were able to be utilized for different instruction or were truly empty and unused. Mr. Smith said that the understanding of an empty classroom was a classroom being unused when it was not regularly used for classes. At the time of their visit, they found three elementary school classrooms that were unused, at Heritage, Linkhorne, and Perrymont, and empty classrooms currently existed at the middle and high school levels as well. Councilmember Wilder asked if they were not being used for anything at all. Mr. Smith said that they were not being used on a regular basis, so they were considered empty. Councilmember Wilder said

that something mentioned in the presentation was a marketing campaign for Lynchburg City Schools, which was something he found crucial to maintaining the school system.

Councilmember Tweedy said that the funding for the limited class size was due to the poverty rate, and the poverty rate should be addressed as a City-wide issue because it was not limited to schools. She asked if they had ever determined if there would be new metric standards for neighborhoods and calculate it for the school system they were building. Mr. Benda answered that he was unsure if they had done enough in considering how to attract different areas of the City to different parts because they had not attempted to approach these issues in different ways from the past. They would have to approach variables together to make an impact on some of the numbers presented. He stated his willingness to do things differently, because this process required it. Councilmember Tweedy said that there was a charge to the City Council to determine what the philosophical approach was to investment and planning of the community. She stated that achieving this was possible if they intentionally planned.

Councilmember Helgeson said that the Weldon Cooper study showed how many school-aged children there were in the City, which was about 12,500 school-aged children, and about 7,000 were enrolled in the school system, meaning that about 60% of the school-aged children were using the public school system. The birth rates in Lynchburg were increasing according to the Virginia Department of Health and should not be blamed along with empty nest homes for the declining enrollments. Mr. Smith answered that those numbers came from the demographer, Cropper GIS. Councilmember Helgeson said that if it were not related to live births, empty nests, or lack of housing, the decline was an enigma related to programming. If 40% of the community did not want to be included in the school system, it should be considered and researched in order to understand the demographics and growth rates of the schools, as well as the needs of the community.

Councilmember Faraldi stated that he had toured four or five elementary schools, and many of these buildings had historic aspects that should be considered and protected as they were repurposed for the future. He noted that from the highest view of the school system, there were very low graduation rates and declining enrollment rates. There was room for improvement, but when doing things differently in creating specialized schools, there should be consideration of charter schools or lab schools.

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Councilmember Tweedy said that there was a generational difference in students and their ability to learn, and entire schools had been created to avoid certain students, mandates, and requirements imposed upon them. The national education planner would allow for better understanding of the problems and differences in learning environments that children currently needed. All of the neighborhoods and areas of the community were planned, and intentional planning was necessary to create the Lynchburg envisioned for 2030.

// In the matter of Roll Call, Agenda Item #4, Councilmember Wilder thanked the City staff who attended the Fairview Community Center to discuss plans for the development in the Tyreanna and Pleasants Valley area. There were extreme opinions and an interesting dialogue. He commended staff for the International Festival held this past weekend, which helped make their community richly diverse and attractive as an event venue. He congratulated the firefighters of Lynchburg for raising over \$21,000 in the Fill the Boot Campaign.

Vice Mayor Wright stated that he also attended Fairview Heights last evening, and was grateful to the staff for taking the time to present and listen to the neighbors' comments. He thanked the constituents of Pleasants Valley and Tyreanna for sharing their thoughts. He congratulated the Old City Cemetery for their annual rose sale and new marker for Carl Cato, a rosarian at the cemetery.

Councilmember Tweedy thanked everyone who planned the International Festival, which was a great event with many people in attendance.

Mayor Dolan announced that the Office of Economic Development and Tourism celebrates Economic Development Week May 9-13. Economic Development Week was created by the International Economic Development Council to increase awareness of local programs that created jobs, supported business investment, and improve the quality of life in communities everywhere. Please visit [www.opportunitylynchburg.com](http://www.opportunitylynchburg.com) to learn more about the City's economic profile and how businesses were making a difference in their community.

Mayor Dolan announced that Virginia Amateur Sports was seeking volunteers for the upcoming Commonwealth Games, July 22-24, at Liberty University. Each year, thousands of athletes and their families visited Lynchburg to compete in the Commonwealth Games with sporting events ranging from pickleball to ultimate frisbee to basketball and much more. Please help make an impact and a successful

event this year by volunteering to make a difference in the lives of thousands of athletes and their families who will be competing this year in the City of Lynchburg. More information about the Virginia Commonwealth Games and the volunteer form can be found at [ww.commonwealthgames.org](http://ww.commonwealthgames.org).

Councilmember Wilder commended the Commonwealth Games at Liberty. He stated that Virginia Amateur Sports was doing free physical exams this Saturday at Jubilee for middle school and high school students.

// The meeting was recessed at 6:04 p.m.

// City Council reconvened the meeting at 7:30 p.m. The following members were present:

|   |   |
|---|---|
| Present: MaryJane Dolan, Beau Wright, Jeff Helgeson, J. Randy Nelson, Treney Tweedy,<br>Sterling A. Wilder, Chris Faraldi | 7 |
| Absent:   | 0 |

// In the matter of Recognitions, Mayor Dolan gave a Proclamation recognizing Drug Court Month. Ms. Taylor Jones accepted the Proclamation.

Mayor Dolan gave a Proclamation recognizing Emergency Medical Services (EMS) Week. Fire Chief Greg Wormser accepted the Proclamation.

// In the matter of the Consent Agenda Item A, Council conducted a second reading and adopted Resolution #R-22-032 amending the FY 2022 Operating and Capital Budgets and appropriating or rescinding funds to reflect the FY 2022 Third Quarter Detail by Fund. On motion of Councilmember Tweedy, seconded by Wilder, Council by the following recorded vote approved the adoption:

|  |   |
|--|---|
| Ayes: Dolan, Wright, Helgeson, Nelson, Tweedy, Wilder, Faraldi | 7 |
| Noes:  | 0 |

// In the matter of School Board Appointments, Agenda Item #5, a public hearing was held and Council received citizen input regarding appointments to vacancies that will exist June 30, 2022, in School Board Districts I, II, and III. Council conducted its first public hearing on the matter on April 26, 2022, and chose to continue the hearing until its May 10, 2022 meeting. The School District 1 appointments were Mr. James Porter, Mr. Clifton Reed, Ms. Ashley Reich, Ms. Brandy Gibbs, Mr. Anthony Andrews, Ms. Mary Wieberg, Dr. Justin Hensley, Mr. Elliott Clifton, Ms. Marianne Criswell, Dr. Kathie Carwile, Dr. Andrea Yesalis, Dr. Kevin Struble, Mr. Jerry Gibson. The School District 2 appointments were Dr. Veronica

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McCue, Ms. Letitia Lowery, Dr. Martin Day, Ms. Erin Cruz, Ms. Charleta Mason, Ms. Rosamond Phillips. The School District 3 appointments were Dr. Jason Fleshman, Mr. John Miska, Mr. Gary Woodson, Mr. Steven Smith, Ms. Gloria Preston.

Mayor Dolan opened the floor to candidates who wished to speak on their qualifications.

Mr. Gary Woodson, nominee for School District 3, spoke before Council.

Mayor Dolan opened the floor to any citizens who wished to comment upon any name that has been submitted, or offer additional names for consideration; there were none.

Councilmember Wilder made a motion, seconded by Councilmember Helgeson, to close the public hearing. With no discussion from Council, the following vote was recorded:

|  |   |
|--|---|
| Ayes: Dolan, Wright, Helgeson, Nelson, Tweedy, Wilder, Faraldi | 7 |
| Noes:  | 0 |

Mayor Dolan announced that City Council would be convening in a closed session at the close of the current meeting to review candidates' applications and decide on an interview schedule.

// In the matter of the Police Department, Agenda Item #6, Council considered adopting an Ordinance #O-22-035 approved the proposed amendment to the City Code regarding dogs left outside during extreme weather conditions. The Council was previously briefed on this matter at the April 12, 2022 work session Business Item briefing. Mr. Ryan Ball gave an overview of the item to Council. Recommendations from Council were made with specific regard to dogs being left in cars, so two changes were implemented. Instead of only mentioning dogs, it now stated "dog or other companion animal," and where the language in §C stated that "no persons shall be charged with a violation of the subsection if the motor vehicle's engine and air conditioning were operating and in effect when such dog or other companion animal is inside such motor vehicle." In regards to open windows, when referencing national veterinary groups, studies indicated that open windows had no effect on lessening the temperature inside of the vehicle, so was unable to be included as effective language.

Mayor Dolan said that the amendment did not ban the owners to secure their dogs to the bed of a truck. She asked if this was allowed if the temperatures were very high. Mr. Ball stated that that part of the amendment was in reference to hunting dogs that would likely only momentarily be in the City, but any dogs were supposed to be inside when temperatures were above 95°F. City Attorney Mr. Matthew C.

Freedman stated that these particular amendments were adopted pursuant to the power of adopting ordinances for animal cruelty, so these were lesser offenses than animal cruelty. Hypothetically, if an animal control officer or police officer was to find a dog tied in the back of a pickup truck that was suffering in some way, they would still have recourse to act. This amendment was a different means to pursue a lesser offense than charging someone with a Class 1 misdemeanor of animal cruelty.

Councilmember Faraldi said his requests in regard to the air conditioning exception to this amendment were satisfied.

Vice Mayor Wright made a motion to adopt the Ordinance #O-22-035, seconded by Councilmember Tweedy.

With no further discussion from Council, the following vote was recorded:

|  |   |
|--|---|
| Ayes: Dolan, Wright, Helgeson, Nelson, Tweedy, Wilder, Faraldi | 7 |
| Noes:  | 0 |

// In the matter of Agenda Item #7, the Council considered a closed meeting to consider appointments to the Lynchburg City School Board and to determine a time in which to conduct the School Board candidate interviews pursuant to §2.2-3711(A)(1) of the Code of Virginia.

Councilmember Wilder made the motion, seconded by Councilmember Tweedy, to enter into a closed session.

Councilmember Faraldi stated that this appointment process for the school system should be done transparently and open to the public. There were 24 candidates for three open positions, and parents had the complete right to govern the education of their child, so it would be most proper to allow them to see who Council decided to appoint. The votes did not exist to conduct this process transparently and would ultimately be conducted in closed session. He stated that he would vote against this process to be held in closed session at this meeting. The following names were candidates that he would consider: Mr. James Porter, Clifton Reed, Ms. Ashley Reich, Brandy Gibbs, Anthony Andrews, Justin Hensley, Kathy Carwile, Kevin Struble, Veronica McCue, Martin Day, Erin Cruz, Jason Fleshman, and Gary Woodson.

Councilmember Helgeson said that the process issue of deciding a schedule to interview candidates was not a closed session issue. Clerk of Council Ms. Alicia L. Finney stated that additional

meetings must be set to hold the interviews. Councilmember Helgeson asked if the meetings must be set in an open session. Ms. Finney said that the motion after the closed session would be to add those additional meetings for the interviews. Councilmember Helgeson asked what necessitated a closed session for this item. City Attorney Mr. Matthew C. Freedman answered that the closed session was meant to be a time for discussion of candidates and which should be appointed to the School Board. Councilmember Helgeson stated that the language written included determination of a time in which to conduct interviews. Mr. Freedman answered that yes, specific candidates would be discussed and they could discuss when an additional interview would be held. After closed session, they would set an additional meeting, and on that date, the normal meeting would be held and then they would go back into closed session to conduct the interview. Councilmember Helgeson said that the process would be discussed in an open session. Mr. Freedman said that was correct. Councilmember Helgeson asked if it was an exception to discuss the process within the closed session. Mr. Freedman said no, they would be unable to discuss the process, but what would be discussed included specific candidates and specific dates for those specific candidates. Councilmember Helgeson said that they would be unable to know who to interview and to schedule it unless it was discussed in an open session. Mr. Freedman said the motion could be amended to only include consideration of appointments and for scheduling to be held in open session. Councilmember Helgeson asked if that was the usual process. Councilmember Tweedy answered that the normal process was discussion of candidates who were to receive an interview, followed by discussion of the dates, times, and opportunities for Council to convene for those interviews of the persons discussed.

With no further discussion, the following vote was recorded:

Ayes: Nelson, Tweedy, Helgeson, Dolan, Wright, Wilder 6

Noes: Faraldi 1

// The meeting was reopened to the public.

// Councilmember Helgeson made the following motion:

WHEREAS, the Council of the City of Lynchburg has convened a closed meeting on this date, pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act; and

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WHEREAS, Section 2.2 3712 of the Code of Virginia requires a certification by City Council that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Lynchburg certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by Council.

The motion was seconded by Vice Mayor Wright, and Council, by the following recorded vote, adopted the motion:

Ayes: Dolan, Wright, Helgeson, Nelson, Tweedy, Wilder, Faraldi 7

Noes: 0

// Councilmember Helgeson made the motion to hold two special called meetings on May 16, 2022, and May 20, 2022, both beginning at 1:00 p.m. in Council Chamber for the purposes of conducting School Board Candidate Interviews. Vice Mayor Wright seconded the motion.

Ayes: Dolan, Wright, Helgeson, Nelson, Tweedy, Wilder, Faraldi 7

Noes: 0

// The meeting adjourned at 8:28 p.m.

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Clerk of Council

May 20, 2022

// A special called meeting of the Council of the City of Lynchburg for the purpose of conducting interviews with candidates for the School Board was held on the 20th day of May, 2022, at 1:00 P.M. in the Council Chamber, City Hall, MaryJane Dolan, President, presiding. The following Members were present:

Present: MaryJane Dolan, Beau Wright, Jeff Helgeson, J. Randy Nelson, Treney Tweedy,  
Sterling A. Wilder 6

Absent: Chris Faraldi 1

// On motion of Councilmember Wilder, seconded by Vice Mayor Wright, Council, by the following recorded vote, elected to hold a closed meeting for the purpose of interviewing the following candidates for appointments to the Lynchburg School Board pursuant to Section 2.2-3711(A.)(1.)of the Code of Virginia: Anthony Andrews, District 1; Gloria Preston, District 3; Jason Fleshman, District 3; Steven Smith, District 3, and; Justin Hensley, District 1.

With no further discussion from Council, the following vote was recorded:

Ayes: Dolan, Wright, Helgeson, Nelson, Tweedy, Wilder 6

Noes: 0

Absent: Faraldi 1

// The meeting was reopened to the public.

// Vice Mayor Wright made the following motion:

WHEREAS, the Council of the City of Lynchburg has convened a closed meeting on this date, pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act; and

WHEREAS, Section 2.2 3712 of the Code of Virginia requires a certification by City Council that such closed meeting was conducted in conformity with Virginia law;

May 20, 2022

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Lynchburg certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by Council.

The motion was seconded by Councilmember Wilder, and Council, by the following recorded vote, adopted the motion:

|   |   |
|---|---|
| Ayes: Dolan, Wright, Helgeson, Nelson, Tweedy, Wilder | 6 |
| Noes:   | 0 |
| Abstain: Faraldi                                      | 1 |

// Councilmember Faraldi, who joined the meeting during the closed session, stated that had he been present during the opening of the meeting, he would have voted against going into closed session citing his desire to be transparent in the process of school board appointments.

// The meeting adjourned at 5:50 p.m.

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Clerk of Council

May 24, 2022

// A regular meeting of the Council of the City of Lynchburg was held on the 24<sup>th</sup> day of May, 2022, at 4:00 p.m. in Council Chamber, City Hall, Maryjane Dolan, President, presiding. The following Members were present:

Present: Maryjane Dolan, Beau Wright, Jeff Helgeson, Treney Tweedy, Sterling A. Wilder, Chris Faraldi

7

Absent:

0

// In the matter of Parks and Recreation, Agenda Item #1, Ms. Maggie Mace, Recreation Services Manager, provided Council with an update on upcoming summer events. Ms. Mays stated that with the support of City Council, other City departments, and other organizations throughout the City, they had been resilient and able to meet their goals in meeting pre-Covid-19 numbers. This includes the performance goal of reaching or surpassing an 80% implementation rating on all programs, and they offered 289 programs from January to April of this year at 85%. Participation and revenues are significantly higher this year in 2022 from 2021 when comparing the two, due to places like the Jackson Heights Arts Studio, which has a 100% implementation rate, and all classes offered there are full, and due to classes and programs that naturalists offer, which are seeing increases again in requested programs from schools. Through new virtual programs, special events, outdoor recreation, and facility improvements, they utilized strategic partnerships to impact their community. This Friday, there would be a celebration at the Miller Center for the older members of the Lynchburg community for Older Americans Month. Returning this summer would be the award-winning Hill City Hoops program, which will be happening every Friday night at Miller Park in the month of July, where teams will participate in the weekly league, then at the end of the season, they will get to participate in a tournament hosted by the Lynchburg Area Youth Sports Initiative. The Lynchburg Fire Department had partnered with them to help with this program. The partner organizations for the sports programming allowed them to serve the youth in the community and to help them grow through athletics. With the Council's support, they were able to extend the summer season at Miller Park Pool and will be open through Labor Day weekend, they had been able to offer competitive salaries to their first responders, which helped improve staff retention, helped with recruiting new staff, in over to overcome the national lifeguard shortage. Also continuing is the partnership with Lynchburg City Schools to offer the free lunch program at Miller Park Pool for youth

in the community. There were lots of volunteer opportunities through the Department of Parks and Recreation, and so far, they have had 1,200 people volunteer with them to complete projects such as invasive plant removal, beautification projects, and others. Many volunteers came from other community organizations and became City employees, and these people helped make Lynchburg a great place to live, work, and play.

Councilmember Nelson asked if the kayaks and canoes at Ivy Creek Park should be reserved in advance, or if they were first-come, first-serve. Ms. Mays said that it was first-come, first-serve and reservations were not necessary.

Vice Mayor Wright asked if kayaking and canoeing was offered at Hollins Mill in addition to Ivy Creek. Ms. Mays said that they had tried out Hollins Mill last year, but this year were back at Ivy Creek. There would be special days at Hollins Mill, so there was still the opportunity to do that.

Councilmember Wilder said that this was an example of all of the great things that happened in the community that benefited everyone's quality of life. The extended pool hours were appreciated, Hill City Hoops was a great Friday night event for the youth to attend, and the Friday programs at Miller Park allowed for a central location for children to enjoy themselves during the summer.

Councilmember Tweedy said that the collective programming the Parks and Recreation offered to all age groups was encouraging and she appreciated it, because it made Lynchburg a place people enjoyed coming to and living in.

Mayor Dolan said that it looked like a fun and robust program.

// In the matter of the Downtown Lynchburg Association (DLA), Agenda Item #2, Ms. Ashley Kershner, Executive Director of DLA, provided Council with the organizations 2021 Annual Report. The Downtown Lynchburg Association is a 501(c)3 organization, and the 17-member Board guides the work of the organization and the overall strategy. Three strategic priorities set last year in the strategic plan are to foster a thriving and diverse storefront economy, cultivate a lively and engaging downtown atmosphere, and create a truly welcoming environment. Support for businesses included communications about funding opportunities, surveying and shifting programs in response, marketing consultations, Small Business Saturdays, and the Downtown Gift Card Program. Leveraging the power of local volunteers, companies, and City government officials, they raised \$60,000 to create the Art Alley, transforming a

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public space into a colorful and attractive environment, and 1,300 people walked the Bluff Walk the night of the Art Alley opening, and the month after the Art Alley opening saw a 119% increase in foot traffic compared to the month before the opening. The community had requested fireworks in Riverfront Park to return for a long time, and with the help of the City and major sponsors, they were able to bring the event back with great success. More information would be brought back to Council related to a business improvement district, because new structures would be needed to be able to serve the needs of a growing downtown. The tax data related to downtown activity is an easily measurable way to gauge the success and current state of downtown, which showed that the economy was down in 2020 but had begun to resurge in 2021. The entire annual report had been provided to the Council, including some events such as movies in the park, fireworks on July 1, and Get Downtown on October 1. Additional placemaking projects include the midtown parking deck mural to raise the awareness of public parking options downtown and a mural in collaboration with Blackwater Branding with a location yet to be determined. A new project being developed by the Downtown Lynchburg Association was the Downtown Lynchburg Cookbook, which would feature 40 restaurants downtown and on Rivermont Avenue and exemplify how great the food in Lynchburg is.

Councilmember Faraldi said that he would like to see four or five more organizations similar to DLA that focused on other areas of the City. He said he looked forward to the return of the Get Downtown Event. He commended Ms. Kershner for the organization's work and for sharing metrics that measured success.

Councilmember Wilder said that the investment in the downtown area was paying off for the entirety of the City, because everyone could come there and enjoy it. The highlight and mark of a City was the main street, and he thanked Ms. Kershner for protecting it and keeping it vibrant and alive.

Councilmember Nelson said that it had been refreshing to see how Ms. Kershner and her staff captured opportunities with creativity and initiative, drawing resources they had downtown into improving its situation. It was most impressive that during Covid-19, when there were challenges that no one had anticipated, the Downtown Lynchburg Association was able to find new ways to make things not only better but great. He expressed his enjoyment for being able to work on the mural on the downtown parking deck. He asked if the gift cards for downtown were currently sold at one location or if they would

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expand that. Ms. Kershner answered that they could always be bought through their website, but there was also a plan to expand the locations where they were sold.

Vice Mayor Wright said that it was deeply impressive that DLA worked by punching above its weight, which is apparent by the awards they have won, the projects they undertake, and the sense of community they help foster. He thanked Ms. Kershner for the meaningful and impactful work DLA did in Lynchburg. He asked where Downtown Lynchburg Association mugs could be bought. Ms. Kershner said that all merchandise was sold online, and they could be picked up locally at Ayven Avenue, a boutique on 5<sup>th</sup> Street or mailed directly to customers. Vice Mayor Wright asked if Ms. Kershner could share the movie line-up for the summer. Ms. Kershner answered that the season would open with In the Heights, then The Incredibles, Spiderman: No Way Home, Tangled, and another movie she could not recall. Vice Mayor Wright asked if the list was accessible on their website. Ms. Kershner said yes, it was available on Facebook, Instagram, or their website. She noted that the final movie she had forgotten was Back to the Future.

Councilmember Tweedy thanked Ms. Kershner for her work and expressed her enjoyment of the Art Alley murals. She said she had recently referred some prospective business owners to the Downtown Lynchburg Association to discuss ideas they had for the future. Ms. Kershner said that they had specific welcome packages for new businesses and wanted to make sure they had those conversations.

Councilmember Wilder said that the marketing support was very key so that small businesses could still access marketing and other resources. He asked if the flag shop at the end of Main Street was also included in the downtown stores. Ms. Kershner said yes.

Mayor Dolan said that Ms. Kershner had done an extraordinary job and they appreciated everything she had done to make their City great.

// In the matter of Redistricting, Agenda Item #3, City Planner Mr. Tom Martin provided Council with a review of the different scenarios for adjusting precinct boundaries. This was the monthly work session for redistricting, which was required to do based on the results of the 2020 Census. Staff would present Scenario D for the City Ward Boundaries in a public hearing, address absentee ballots and zip codes, review requirements for precincts, the requirements for polling places, review precinct boundary scenarios, and discuss next steps. Scenario D was selected by Council to go to public hearing. Ward 2

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needed to gain populations, Ward 3 and 4 needed to lose, and Ward 1 was within the range, but the chosen scenario added some population. Ward 1 gained population north of Lakeside Drive, Ward 2 gained population from Ward 4 east of Old Forest Road, and also from Ward 3 east of Oakley Avenue. Ward 4 shifted population to Ward 1 while Ward 1 shifted population south of Lakeside Drive into Ward 4. All were within the ranges required. There were two bills that went forward, converged, and §24.2-667.1 was amended, signed by the Governor, and became effective July 1, 2022. The law required the Registrars report to the Department of Elections absentee ballots to the precincts. He asked if this answered Councilmember Faraldi's question; Councilmember Faraldi replied yes. Mr. Martin said that the requirements for precincts were that they had to have clearly defined, observable boundaries, the maximum registered number of voters was 5,000, and the minimum number of registered voters in the City was 500. The precinct scenarios were based upon voting age population, because they did not have geographic data on registered voters. The premise was that the precinct scenario would fall within that voting age and did not go over it, they would be okay.

Councilmember Helgeson said that the registered voters were the 5,000. He did not want to get down a path of moving people based on an assumption that was not factual. There were a lot of people of voting age who were not registered voters, and some rules may need to be cleaned up before they began splitting precincts. Mr. Martin said that he believed it was an acceptable practice to use the voting age population, but he would ask the City Attorney to confirm that. Mr. Freedman said that there had been an issue with how to locate particular data for the time of the adoption of new precincts, in that they had been unable to determine the registered voters and did not know how many voters would be chosen for the precinct at the time it was adopted by Council. He understood that localities had been going by the voting age for purposes of determining that and then determining how many registered voters were in the particular precinct. He was unsure if Christine had reached out to the Department of Elections on that question, but they did want to try to confirm that with them that that would be an acceptable practice. Councilmember Helgeson said that he understood the dilemma, but they had the data of who was registered and was not, and that data could be used rather than an assumption. Mr. Martin said that they did not have access to that data, and he did not know if the Registrar had it readily available for them to use, so they proceeded based on voting age populations. There was the potential that if Council would

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like to ask the Registrar for more information. Councilmember Helgeson asked if they would be working with the Registrar. Mr. Martin said that they had been involved. Ms. Christine Gibbons, Director of Elections and General Registrar, stated that the requirements for County and City precincts in §24.2-307, at the time any precinct was established, it shall have no more than 5,000 registered voters. The General Registrar shall notify the governing body whenever the number of voters who voted in a precinct in an election of the President of the United States exceeds 4,000. Within six months of receiving the notice, the governing body shall proceed to revise the precinct boundaries and any newly established or redrawn precincts shall have no more than 5,000 registered voters. She stated that she had spoken to the Registrar in Bedford County, who used voting age population, whereas the Registrar in Montgomery County used registered voters. Registrar voter counts by locality were available and had been shared with the redistricting committee, which stated how many voters were currently registered in all of those precincts. Also shared was the voter turnout by precinct for the November 3, 2020 election, including the total turnout and how many registered voters they had at that time. Councilmember Helgeson asked if they would need to notify if there were over 4,000 in a precinct. Ms. Gibbons said that was for those who had voted. Councilmember Helgeson asked if they were now discussing boundaries that did not have more than 5,000 actual registered voters. Ms. Gibbons said yes. She stated that the only way to really look at that was at the Registrar counts by locality, and they could not look at the numbers of the registered voters of the scenarios given, and the changes would need to be made first in order to know how many would be in the precincts. Councilmember Helgeson asked if they were first looking at an assumption and then would get the real number from working with Mr. Martin to get the actual count. Ms. Gibbons said yes, but she could not do so until Council made their determination as to what each of the precincts would be in the form of an ordinance. Councilmember Helgeson asked if they could not have approximations. Ms. Gibbons said no, the only way she could make changes was using the report of current registered voters in the current precincts. Councilmember Helgeson asked if the report came from the Registrar. Ms. Gibbons said yes, she could run the report at any time, which included information on active and inactive voters, and how many there were in all. The total number had to be used, because even inactive voters were registered. Councilmember Helgeson said that he did not want the 5,000-person limit to be based on presumptions and then people were moved to different precincts when they

actually did not have to. Ms. Gibbons said that she could offer the current report and the report of the 2020 election turnout. Councilmember Helgeson said that Montgomery County did it differently. Ms. Gibbons said they looked at registered voters, looking at the report she currently had. Mr. Martin emphasized that they could not use those numbers because they were not tied to a geographic area, and those precincts were changing based on the proposed ward boundaries, and the only information they had to go off of was voting age population. Councilmember Helgeson said that Scenario A had had limited changes, and could have been done quickly, which may have been good to know.

Councilmember Tweedy said that she knew they had a lot to do, but the analyzation had her worried about manipulation of numbers, so she would like to walk through this as slowly as possible. She stated that the verbiage was confusing, and she would like to have another work session on how they manipulated and changed over the boundaries, who would be affected, and why they would be affected. There was a lot of language about the streams, rivers, and railroad tracks that had been used as boundaries, and other reasons as to why things were being moved around, and why precincts should be even. She said that she was leery about that, and if anyone had questions, they could email or call her to ask why. She stated that she understood the information was presented to the Council as requested, but the general public should know that they were moving potential precincts, moving boundaries, and she had concern about the verbiage and rationale for why they were doing it. Mr. Martin said that he was unsure how to respond. Ms. Tweedy said that it was rhetorical. Mr. Martin clarified that they were required to have the plus- or minus-5% in the ward boundaries, and they presented Council with five options, and mentioned that there were infinite ways in which it could be done. Scenario A was the most minimal change that could have occurred, because it increased the population of Ward 2 while decreasing 3 and 4, and the area towards Odd Fellows Road and Oakley Avenue would be the only area changed. He hoped that staff had presented the information in a way that did not lead the Board in any certain direction on this. Staff must stress the timing of this to ensure that everything was in place for the November election, and staff was presenting options based on data. Councilmember Tweedy replied that she felt confident in that staff was responding to questions posed to them, and she wanted the public to know the depth and breadth of the questions received based on the information and questioning being sent to staff.

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Mr. Martin said that polling place requirements were one polling place for each precinct, it had to be located within the precinct or within one mile of the precinct boundary, had to be accessible, and had to be located in a public building whenever practical. During analysis, staff attempted to keep the current polling places as they were, but that was not to say that some might change. Ward 1's precinct 1 would be Linkhorne Middle School, Precinct 2 would be Bedford Hills, Precinct 3 would be First Presbyterian Church, Precinct 4 would be Rivermont Presbyterian, and Precinct 5 would be First Christian Church. All of those fall within the 5,000 range, and were shown in the chart on the slide. He said that the scenario that staff did not recommend would require the removal of a polling place, and after talking with the City Attorney, they felt that this could potentially disenfranchise voters. Councilmember Helgeson asked why this scenario would require the removal of a polling place in Ward 2. Mr. Martin said that it was below the 5,000, so breaking them out separately would keep them above the 500, or they could combine them and be below the 5,000. He said that it was a bad scenario which was not recommended, but was a possibility. Councilmember Helgeson said that he did not understand how that could be a scenario. He asked if none of them were below five hundred, which would require the precinct to be removed because it was so small. Mr. Martin said that this scenario combined the Jubilee and R. S. Payne polling places, giving them a precinct with roughly 3,000 people. R. S. Payne would have 3,368, and Jubilee would only have 1,400 to 1,600 people. Councilmember Helgeson asked if this did not require removal of a polling place. Mr. Martin said no. He said that it was shown to be a bad alternative which they were asked to move away from. He said that this one, which was called the second ward alternative, precinct 1 would be St. Paul's Episcopal, with 3,712 voting age, the Lynchburg Public Library would have 4,134, Robert S. Payne would have 3,368, Fairview Christian would have 2,472, and Jubilee would have 1,416. Councilmember Helgeson asked which public library Mr. Martin was referring to. Mr. Martin said he was referring to the Memorial Avenue Public Library. Councilmember Helgeson said that it was actually in Ward 3, precinct 1. Mr. Martin said that it was not in Ward 3 anymore. Councilmember Helgeson said that it was in the mile boundary. Mr. Martin said that if they moved the ward boundary, it was in Ward 2. He said that all of the precincts were within ward boundaries. Councilmember Helgeson said that they were now exacerbating all the people who lived in Ward 3, precinct 1, and there now would be people voting

there at precinct 301 and 202. Mr. Martin said no, they would be moved under Scenario D, which Council directed them to advertise.

Mayor Dolan asked if they were looking at Scenario A or B, would either of those scenarios would require a new polling place or elimination of the polling places. Mr. Martin said that he believed that for both of those, they would have to do something with Liberty University, but they would have to go back and look at those numbers. Councilmember Helgeson said that two precincts could be done for Liberty University at one spot, but the difference would be with some of the other ones. Mr. Martin said yes. He said that it was fine if Council did not want Scenario D anymore, but it was on their public hearing tonight. Councilmember Helgeson asked why they were moving the precincts. He asked where precinct 202 currently was; Councilmember Tweedy answered that it was at R. S. Payne. Ms. Allison Johnson, GIS Manager, indicated the boundary with the new ward scenario, which indicated there must be a new precinct for Ward 2 precinct 2. Mr. Martin said that under Scenario D, the Lynchburg Public Library was moved out of Ward 3 and into Ward 2. Councilmember Helgeson said that all the people in Ward 2 would now be voting at the library, and precinct 202 would now be voting at the library. Mr. Martin said that the question was where those people in the newly drawn Ward 2 had voted before. Ms. Gibbons answered that they were in Ward 3 and voted at the public library, so those people voted at the same precinct, but were in a different ward. Councilmember Helgeson said that before, they were Ward 2. Ms. Gibbons said that in the scenario, the precinct had changed on the map, so Ward 2 precinct 2 in the scenario map was no longer R. S. Payne, but they were now using the public library. Mr. Martin clarified that the precinct names changed. Councilmember Helgeson said that nobody in precinct 301 was voting at the library, and now Ward 2 was voting at the library. Mr. Martin said that was correct. He said that the question was where the rest of the people who were originally in Ward 2 that was in the proposed Lynchburg Public Library precinct voted before. Ms. Gibbons said that they added another precinct in Ward 1, another precinct in Ward 2, and another precinct in Ward 3, so none were being taken away in each of the presented scenarios.

Councilmember Faraldi asked if the presentation could be finished before discussion began again. Mayor Dolan said yes.

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Mr. Martin said that for Ward 3, precinct 1 would have to be a new precinct, which they had talked about in reference to the Liberty precinct, in which there were about 7,000 people. He said that they asked them for their student numbers by building, so under this scenario, there would be a new precinct 1, essentially east of 460 to Odd Fellows Road, and that would have 2,764 people in it. Precinct 2 would be the Vine Center, with 4,309 voting age population in it. The voter registration staff had expressed amenability to adding a precinct, and they would like to look at the possibility of moving both to the LU Conference Center, which was not Circuit City. He said that precinct 3 would be Sheffield Elementary School with 3,616, precinct 4 would be First Church of the Nazarene, 2,208, and precinct 5, Heritage United Methodist would have 4,849. The current Liberty precinct could not be kept due to the number of voters. Ward 4 precinct 1 was St. Thomas Moore Catholic Church, with 4,601, precinct 2 was Sandusky Middle School with 4,984, Perrymont Fellowship, 4,821, and precinct 4 would be Heritage Baptist Church with 1,939. An alternate sent by Councilmember Faraldi was that Wards 1 and 3 are the same, precinct 2 would still be Sandusky Middle School, but that area north of Tomahawk and Blackwater Creek would be combined with Precinct 4. Councilmember Faraldi said that there was a concern about traffic patterns near Heritage Baptist, and he thought it would be worth considering. The whole idea was to keep the bulk of those folks who had voted at that location there.

Councilmember Helgeson asked for a review of Ward 3. He said that Ward 3 had five precincts, and a new one had to be added because of Liberty, so there were now six. Mr. Martin said that there were four precincts, and precinct 1 was Sheffield. Councilmember Helgeson asked if people who voted at the library voted at Sheffield. Mr. Martin said that precinct 1 would be the new precinct, which would be the Liberty campus, southeast of 460, towards Odd Fellows Road. It was southeast of the railroad that bordered the campus, east of the unnamed tributary of Rock Castle Creek, and west of Candler's Mountain Road. Ms. Gibbons said that she thought the original agreement were that students were only to vote at the campus, so she was unsure if those people should vote off-campus. Mr. Martin said that he was unsure if it was a legal requirement, but the new proposed precinct was that area of the Liberty campus. The main campus, which would be precinct 2, the Vine Center, was east of the railroad, basically going up to a tributary that went underneath the Vine Center. Precinct 3 would vote at Sheffield, and was northwest of 460, east of Fort Avenue, west of Odd Fellows, Mayflower Drive, and Martin Street.

It also included a new area of Fort Avenue, south of Sussex and Richmond and east of Oak Ridge Boulevard and Oakley Avenue. Councilmember Helgeson asked if the people moving from 301 to 303 was done as assessment. Mr. Martin said that the boundaries were drawn based on the block populations. They did not calculate the existing precinct and how many they had now, and how many they would gain or lose. Councilmember Helgeson said that Scenario D caused additional disruptions to voters. Mr. Martin said that it was a change, and the precincts would obviously change based upon that. If the Council would like staff to go back and do this on another scenario, they would, but all they had to present was based upon Scenario D.

Councilmember Tweedy requested this information for Scenarios A and B.

Mayor Dolan said that she would also like to see that information.

Councilmember Faraldi asked if that required overriding staff direction to bring this item to a public hearing. Mr. Freedman suggested to Council that they could hold the public hearing, adjourn it or close it, and then continue the matter to be voted upon in some fashion, delaying the resolution.

Councilmember Faraldi asked if the resolution changed based on the drawing of the map, that they would have to have another public hearing by law. Mr. Freedman said yes, another public hearing would be required. If there was a majority of City Council tonight that did not want to proceed with Scenario D, it must be resolved if definitive. He said that time was of the essence to get the wards precincts straight. If Council knew they did not want to proceed, they need only vote to cancel the public hearing and resolution, or if they wanted to put it to a vote to be heard, hold the public hearing, close the public hearing, and put it to a vote. Councilmember Faraldi asked how many members had chosen Scenario D in the survey.

Mayor Dolan said that there could also be a motion to move to accept Scenario A or Scenario B by someone who had voted for Scenario D.

Councilmember Tweedy asked if the public hearing could be held and a vote could be taken for Scenario D. Mr. Freedman said that was right, and staff could ask for guidance on the next scenario to be considered. Councilmember Faraldi said that another public hearing would need to be held. Mr. Freedman said that was correct, and they would also have to redraft the boundaries for presentation to City Council. Councilmember Tweedy asked what the timeline was for staff. Mr. Freedman said that

everything had to be done 60 days before the November election. Councilmember Faraldi asked if it would also have to be 60 days before early voting started, so 85 days would be when they had to adopt it. Mr. Martin said that approximately 41% of 156 people selected Scenario D as their preferred choice. Councilmember Faraldi said that members of the public who were polled voted for Scenarios A and B as their least preferred options. He cautioned against moving back to considering a completely different map from what was adopted, and contrary to the poll that was put forward to the general public and associated with the deadlines. The change and disruption were based off of what ward someone was in, but if they went with A and B and kept the precincts the same, 401 would be shifted, and there were too many voters, so there were other precincts that would have to be shifted in addition to Liberty's precinct. Then the people left out of Liberty's precinct would need a new precinct, and Ward 2 would have to lose a precinct if it did not gain the population.

Vice Mayor Wright asked how many people responded to the survey. Mr. Martin answered that it was 156 respondents. Vice Mayor Wright asked how that survey was given to the community. Mr. Martin said that it was put online, and hard copies were put in City Hall and in the public library. Vice Mayor Wright asked if there was anything preventing people from submitting it multiple times. Mr. Martin said that he did not believe so. Vice Mayor Wright said that 156 constituted a very small percentage of the community, so it was not a relevant sample size, but the comments were good and worth considering. He clarified that they had not adopted the boundaries for Scenario D but said that they wanted to move forward with exploring it and coming back for the public hearing. Mr. Martin confirmed that Council asked staff to advertise it for public hearing. If Council decided as a majority that they did not want to adopt Scenario D, they would start the process of creating scenarios for the boundaries, but there was work that remained to be done. Vice Mayor Wright said that the statute referenced 60 days, but 85 days was what they were working with. Mr. Freedman said that Council could call special meetings if they had to do so. Mr. Martin asked if 85 days was in August. Mr. Freedman said that there would probably be action in August.

Mayor Dolan said that it was important that they not set this up so that future wards became noncompetitive and so that they did not disenfranchise voters in certain wards, which required looking at the distribution very carefully. Mr. Martin said that if the majority of Council said that they wanted to look at

Scenarios A and B, staff could do polling scenarios for A and B. Mayor Dolan said that it seemed that they needed some sort of consensus. Mr. Martin asked if it was possible to have a work session on June 28. City Manager Wynter C. Benda answered yes.

Councilmember Helgeson said that the library could have stayed in Ward 2 because it was technically within one mile. Mr. Martin said that was technically correct.

Councilmember Tweedy asked if a vote to direct staff to investigate Scenarios A and B was necessary. Mr. Martin said that consensus and adequate direction had been received from Council.

Councilmember Faraldi suggested that a formalized vote would be best for the public record.

Mr. Benda asked if the public hearing could serve as the vote for the matter so as not to call the question too early. Mr. Freedman said that the public hearing would serve well as the environment to cast a vote on Scenario D, and a motion to approve or to deny the resolution could be made at that time, as well as pursuing a different scenario. Councilmember Faraldi said that public hearings should not be futile, and if there were enough votes for the public hearing to be canceled, people should be given the notice. Dr. Tweedy said that she would accept the input from the public hearing and survey but did not want to disenfranchise voters by being shifted into other precincts, so asking staff to return with information on Scenarios A and B allowed them to do the greatest level of research to stop related issues.

Councilmember Nelson said that he did not see changing the place where one cast their ballot as disenfranchising the voter, but were simply voting somewhere else than where they had a practice of voting in the past. Citizens could comprehend the information distributed through departments and media as to where voters in certain locations should vote in upcoming elections. There would be drastic changes in the wards and precincts based on the Censuses of 2020 and 2030, and rather than kicking the can down the road, the need to get gerrymandering out of the City and establish wards that were compact and contiguous, which was what Scenario D did, was something they must tackle right now and not do it in a dramatic way in the future. The City must be able to adapt to the patterns of where citizens lived and should vote, and there was nothing wrong with being versatile in dealing with the realities of the City, and not pretend that the status quo should be kept.

Councilmember Wilder said the public hearing should be held so that it was already taken care of when information was received about Scenarios A and B.

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Councilmember Tweedy said that the time should be put in to make the process less disruptive, then the next ten years could be about educating voters about making all the changes.

Councilmember Helgeson said that the public hearing was about the advertised boundaries, so the public hearing could be kept open for other scenarios and they could amend the boundaries. Mr. Freedman said that the state code required the specific boundaries and the map to be advertised. Councilmember Helgeson asked if it was a two-week advertisement. Mr. Freedman said yes.

Councilmember Helgeson said that they could keep open the public hearing on Scenario D tonight and advertise another on Scenario A and keep both open. Mr. Freedman said that they could draft another ordinance based on what Council directed them to do and based on that scenario, and advertise it for consideration for adoption. The public hearing would open, continue to another date certain, then a new ordinance would be drafted and advertised the same as Scenario D. Councilmember Helgeson asked what the difference was between Scenario A and Scenario B. Ms. X indicated the different maps on the slide.

Councilmember Tweedy said that the timing of this must allow for education of voters.

Councilmember Wilder asked if the library moved in Scenario B. Ms. X said that the polling place of the library would still be in Ward 2. The people moved out of Ward 2 would vote at R. S. Payne.

Vice Mayor Wright asked if there were any procedural issues if the public hearing went as scheduled and Council discussed the issue after. Mr. Freedman said that under the scenario, they would open the public hearing, proceed in the normal course of business, close the public hearing, and move to defer consideration of that ordinance on the agenda this evening to the next meeting date. Vice Mayor Wright said that they could also have a motion now to defer the public hearing and direct staff on another scenario. Mr. Freedman said that they would need to hold the public hearing, then leave it open to be considered at the next meeting. Vice Mayor Wright asked if there was consensus to discuss the issue after the public hearing.

Councilmember Faraldi asked if they would not need to reconsider redirecting the public hearing and the ordinance, because the motion was to accommodate that, and to change the directive of Council should include the new map situation. Mr. Freedman said yes. Vice Mayor Faraldi said that Council would first consider, then change it. Mr. Freedman said that in keeping the public hearing open, Council could

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defer consideration of the ordinance until whatever date certain, and also making a motion for staff to proceed with an additional option for consideration, and they would advertise for another public hearing with another ordinance. Councilmember Faraldi said that it would be clearer for Council to direct staff to initiate a public hearing process on another option instead of wrapping it in with Scenario D.

Councilmember Helgeson asked if that could be done tonight after the public hearing. Councilmember Faraldi said yes. Vice Mayor Wright said that the public hearing had to be specific to what was advertised. Councilmember Faraldi said yes, and if they continued the public hearing and then asked to bring in a new proposal, the only way they could do that was if they reconsidered the initial vote. Vice Mayor Wright said that was right. Mayor Dolan asked Mr. Freedman if that was right. Mr. Freedman said that only Scenario D could be considered in the public hearing, they had the options to adopt, defer, or deny the ordinance, and could certainly direct staff by motion or direction to bring back another option to advertise a public hearing.

Due to time constraints of the evening, Mr. Benda stated that Agenda Item #4 would be pulled from the agenda and brought back on June 28, 2022, but the business item briefings should be discussed. Mayor Dolan asked if those business item briefings could be conducted at the June 7 meeting. Mr. Benda said that would work. Vice Mayor Wright asked if these items could be completed in ten minutes. Councilmember Helgeson said that they should wait to get the full briefing. Mayor Dolan said that it appeared that was the direction they would like to take. Mr. Benda said that he was amenable to that. He clarified that they would do business item briefings only, and not also the review of requirements for residential uses and commercial zoning districts. Mayor Dolan said that was correct. Mr. Benda asked what time the June 7 meeting would be held at. Mayor Dolan said that the advertised time was 5:00 p.m.

Councilmember Nelson said that they would not know what the 2030 Census would show them as to how the wards and precincts would be, and the education at that point would still have to be done within a few months of time. If changes were made now, a new Census in 2030 would not drastically or materially change the wards, and not change any of the precincts because they had already adapted to that likelihood by doing it in the way they were now.

Mayor Dolan asked Mr. Benda about Item #5e. Mr. Benda said that the item required two votes, one of which was going to be held today after the briefing, and one which would be at the meeting on

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June 28. He asked if the Council was able to vote on said item on June 7. Mr. Freedman said that if it was not in the call of the special meeting and not to be considered there, then no, unless there was a way to advertise it for the special meeting. Mayor Dolan said that the special meeting had not been advertised yet. Mr. Freedman said that if there was enough time to do the advertisement, they would add those items at the special meeting. Mr. Benda said that he was concerned that there were some funds that looked like it would fall to fund balance if not used in some said way, and there was a proposal about how to use it, which was to increase compensation for living wages for full-time and then part-time employees. If there were resources left from that \$600,000, he wanted to deploy those to impact compression. He had concern that if the June 7 meeting did not afford them the ability to have the vote, there must be two opportunities to vote. Mayor Dolan asked if they could vote on this this evening if Council felt they had enough information after the presentation. Mr. Benda said that was correct.

// In the matter of Roll Call, Agenda Item #6, Councilmember Helgeson said that the Finance Committee met this morning, when they discussed revenues and the current \$6.1M over budget, projected towards the end of the year to be around \$8M in increase in revenue over the budget. Expenditures were below the budget, possibly a year-end savings of \$15M. He said that this money could be utilized to give back to the citizens.

Vice Mayor Wright congratulated the E.C. Glass women's lacrosse team, who clinched the Seminole District Title. He said that most of them had seen the news out of Texas this afternoon, and he would be thinking about them this evening.

Mayor Dolan said that as part of the Mayor's Youth Council You Matter Campaign, the Council completed their cornerstone project with a mural on the 700 block of Jefferson Street, across from the skatepark and at the entrance of the trail. There was a colorful message to the students and citizens that no matter what problems they are facing, they matter. She asked people to take a moment to admire the impressive project. She thanked the Mayor's Youth Council for that.

// The meeting was adjourned at 6:07 p.m.

// City Council reconvened the meeting at 7:30 p.m. The following members were present:

Present: MaryJane Dolan, Beau Wright, Jeff Helgeson, J. Randy Nelson, Treney Tweedy,  
Sterling A. Wilder, Chris Faraldi

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Absent: 0

Councilmember Wilder gave the invocation, followed by the Pledge of Allegiance.

// In the matter of Recognitions, Mayor Dolan congratulated the members of the 2022 Citizens Academy on their successful completion of the program.

// In the matter of the Consent Agenda Item A, copies of the minutes of the February 22, 2022 meeting have been previously furnished to Council, and on motion of Vice Mayor Wright, seconded by Councilmember Wilder, Council by the following recorded vote approved the minutes as presented:

Ayes: Dolan, Wright, Helgeson, Nelson, Tweedy, Wilder, Faraldi 7

Noes: 0

// In the matter of Redistricting, Agenda Item #7, a public hearing was held and Council received citizen input regarding the consideration of approving an ordinance adopting the City's Ward boundaries. Mr. Kent White, Community Development Director, provided a summary of the item. Redistricting is the process of redrawing the boundaries of districts that elect representatives who serve specific geographic areas. Redistricting occurs every 10 years following the United States decennial census and is the responsibility of state and local governments. City Council's ongoing discussions of redistricting had allowed transparency in the process. All scenarios had been posted online, and hardcopy maps were in City Hall and the library, along with an online survey done with the help of Community and Public Engagement. Five scenarios had been considered to achieve the correct population numbers. Scenario A moved the fewest between wards and mainly affected voters in Oakley Avenue, Allegheny, St. Augustine, Monticello, and Hood Street areas, meaning that those citizens would change from one ward to another. Scenario B would change the voter wards from the areas north of Ivy Creek, and Oakley Avenue, St. Augustine, Allegheny, along with Wythe, Rye, and Stadium Road areas. Scenario C was more of a dramatic shift, changing the wards into more of a quadrant scenario, so voters would shift north of Lakeside from Oakley to Rockridge, along Edley Place, Cornerstone, and Windsor Hills. Council ultimately directed staff to advertise Scenario D, a similar quadrant scenario, which came up during their discussions when another Scenario D was discarded in an early work session. This new Scenario D would shift voter wards north and south of Lakeside Drive, east of Old Forest Road, east of Oakley Avenue and Wythe Road, and west of James Street. Precinct and polling places would change, so it was

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a matter of the scenario, and the guidance that staff was looking for through the City Council process was what the alignment of the boundaries were, which allowed them to focus through those precincts and polling places. The public hearing tonight was on Scenario D, and following that public comment, they could vote to adopt, defer, or deny that scenario. On June 28, they would continue the conversation on ward boundaries or additional discussion of the precinct and polling places.

Mayor Dolan asked if there was anyone who would like to speak in favor.

Mr. Andrew Glover commented in favor of Scenario D, which represented the City well and created a geographical sense of how the City was oriented.

There was no one to speak in favor or opposition, either by phone, email, or in-person, so the public hearing was closed and the matter rested with Council.

Councilmember Tweedy made the motion to defer the vote on the adoption of the ordinance until the June 28, 2022 meeting so staff can provide more information on Scenario's A and B for Ward boundaries. Councilmember Wilder seconded the motion, stating this would allow time to review additional information and make an adequate decision.

Councilmember Faraldi made a substitute motion to approve the ordinance as it stands, adopting Scenario D. There was no second and the motion died.

Councilmember Faraldi said that speaking to the motion on the floor, said that by delaying more time, they were now in a position that if they did not get this done by the end of July, they would not have affairs in order to make the changes needed. The concern was that they only met once in July, so they would have to call one, two, or three special meetings in July to work through the proposals, work through the precincts, and have an associated public comment period to adopt another proposal. It was also a valid concern to not want to shake up where people were voting, but by simply moving the precinct location, they were not robbing any person of the right to cast a ballot. The standard deviation for Scenario D was less than 350, meaning it was very accurate to the rest of the districts, and Scenario A was closer to 850, meaning they were not close from a population standpoint. Scenario A was a clear gerrymander. By delaying this, not only were they cramping down the deadline because they were concerned about the changes this might ensue, they may then have a process they were rushing to get done, with public comment and multiple meetings required to get it in order. These districts were compact

and contiguous, while the others were not. He stated that he would not support a district that was anything less than that. It was not forthright to delay the public process and to ignore the survey results that indicated majority favor of Scenario D and least favor for Scenarios A and B.

Councilmember Nelson said that the foundation of the motion before the Council was that it was disruptive to the citizens' past practices that they wanted to keep the voters voting in the precincts where they had been used to voting for a long time, and to change some of those precincts would be confusing, and potentially disenfranchised voters. He did not dispute that this changed the status quo, however, that was and has been the fundamental premise and principle advocating against gerrymandered districts. There was a consensus that it was wrong when those who were elected picked their own voters by crafting the districts and wards by excluding voters who would not support them. The solution Scenario D was almost the perfect example of compactness and contiguous districts, and the four wards were geometric shapes that were almost identical and did not guide into each other. He trusted the voters to learn the new locations for where they would cast their vote, and that people would be able to access the sites. He said that they would not know what the Census 2030 results would be, and the education would still have to be undertaken within a few months. They should undertake this task now, and City staff had come up with an option that was viable, compliable with rules opposing gerrymandering, and between now and Election Day, their citizens and communications efforts were more than adequate to educate citizens as to where they would go to cast their vote, with no more undue difficulty than if they had not changed things. He stated he was in favor of Scenario D, and he would support Councilmember Faraldi's motion. There was no issue with delaying it until June 28, and it may be that they needed more information from the City and entertain another option, but they were not accomplishing anything by going to Scenarios A or B as they did not change any of the offensive circumstances that gerrymandering had created for the City at the present time.

Councilmember Tweedy said that she agreed that change would happen, but full transparency required reviewing all the information from all scenarios. On June 28, they would review all scenarios that would change precincts. Scenario D was disruptive, so they should review Scenarios A and B. There was enough time that staff could review this information, and they would not delay the electoral process.

Councilmember Helgeson said that voters must be moved between precincts because some populations had changed. Taking time to ensure they were not disenfranchising anyone would not be a problem, and when staff returned with the information and advertised Scenario A for public hearing, they would have weighed both options equally. He asked if a separate motion was necessary for Scenario A. Mr. Freedman said that for Scenario D, the public hearing had been closed. If the motion passed, there would be a public hearing for A and B.

Councilmember Faraldi asked when they would expect to consider the public hearings for Scenarios A and B. City Attorney Mr. Matthew C. Freedman said that June 28, 2022, was the date they would aim for the public hearings for A, B, or deferral of the consideration of Scenario D. Councilmember Faraldi asked if they knew when they had to get everything to Richmond. Mr. Freedman said that once everything was adopted and finished, he hoped they could have that turned around in a week. Councilmember Faraldi said that the latest would be August 5. Mr. Freedman said that that was his hope for what he and City staff could aim for. Councilmember Faraldi said that it was a tight deadline, and with another public hearing to be held, they must adopt additional meetings into the schedule.

Vice Mayor Wright said that there was time to do this judiciously and thoughtfully. People had preference for Option D, but they should take their time to do their due diligence.

Councilmember Nelson reiterated that no elected official could listen to their constituents too often, and for that reason, it was prudent to delay until June 28, but he remained in favor of Scenario D for the options stated.

Mayor Dolan called for the vote, and the following vote was recorded:

Ayes: Dolan, Wright, Helgeson, Nelson, Tweedy, Wilder, Faraldi 7

Noes: 0

Councilmember Helgeson asked if June 28 would include the public hearing and work session on this item. City Manager Mr. Wynter C. Benda said that was correct. Councilmember Helgeson asked if the item could be voted on that evening. Mr. Benda said whatever the will of the Council was.

// In the matter of Planning, Agenda Item #8, the Council considered adopting Resolution #R-22-036 accepting the Tyreanna and Pleasant Valley Neighborhood Plan as part of the City's Comprehensive Plan 2013-2030. Ms. Rachel Frischeisen, Planner II, gave an overview of the Item to the Council.

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Following the March 8, 2022 public hearing, City Council directed staff to hold an additional neighborhood outreach meeting. That meeting was held on May 9, 2022 at Fairview Neighborhood Center. A number of the residents who attended asked questions, offered comments and volunteered to be part of ongoing conversations on issues such as safety, transportation, sewer, maintenance and the future of City-owned property. The plan serves as a starting point for these discussions and, once adopted, provides the potential to leverage resources towards the neighborhood's collective goals.

Councilmember Wilder commended the residents of Tyreanna and Pleasant Valley for coming out to the Fairview Heights Community Center for voicing their wide variety of opinions on the matter and providing great discussion. City staff and Virginia Department of Transportation officials were there to listen to concerns from the residents of that particular area.

Councilmember Tweedy said that it was mentioned at the meeting was that residents would have an opportunity to be involved. Ms. Frischeisen said that they had found at the public meeting that people were interested in the details, which they did not always have until closer to design and implementation, so right now they had an email list of people who were interested in staying involved in the process, and she would encourage anyone who wanted to be involved to call the City's main line and ask for this plan with Community Development. She said that the next time they asked for community input it would be with more specific questions so that these things could be implemented.

Councilmember Helgeson said that the more that they could clarify that this was a high-level plan, and the only way that specific things were carried out were if Council voted to fund those specific things, and Council voted on specifically changing zoning and changing or giving a conditional use permit. They should ensure that the plan was productive for everyone involved, and they should listen to everyone.

Vice Mayor Wright made a motion to adopt the Resolution, seconded by Councilmember Nelson.

With no further discussion from Council, the following vote was recorded:

Ayes: Dolan, Wright, Helgeson, Nelson, Tweedy, Wilder, Faraldi 7

Noes: 0

// In the matter of Community Development, Agenda Item #9, Council considered several ordinances approving City Code amendments for derelict buildings, demolition, and clutter. Mr. Kent White, Community Development Director, gave a brief summary of the toolkit ordinances to Council. On March 8,

2022, Deputy City Manager Dr. Reid A. Wodicka presented some of the findings from the Diamond Hill south walkthroughs, which brought to light that derelict buildings and blight negatively impacted neighborhoods. Following discussions with multiple stakeholders, staff presented a safe housing and blight abatement “toolkit” earlier this year – a combination of strategies including tax delinquent property sales, increased demolition funding and code amendments. On April 26<sup>th</sup>, staff reviewed the specifics of those proposed code changes with Council. The appeals process for public nuisances was added to the derelict structure ordinance draft as a result of that discussion. Over the last month, staff has continued outreach through media outlets, neighborhood discussions and conversations with real estate professionals and housing developers. The feedback staff received as a result of the outreach has been supportive of the code amendments.

Councilmember Wilder said that Amherst County was adopting a similar ordinance. He stated that people should not be in a situation where they were forced to sell because they could not afford to renovate their houses. Mr. White said that the ordinance specifically required 90 days to submit a plan for the property owner. About 300 of the buildings were condemned, no one was living in them, but they were blighted property. The additional tools give staff the pretense to have this conversation, which had been difficult because so many owners lived out of state, out of neighborhood, and outside of the City. Options included rehabilitation, selling, or donation to a housing organization. As for the neighbors adjacent to those properties, there was nothing the City did, and the outreach process started here and continued all the way through so that they could make sure the options were clear.

Councilmember Faraldi asked if there was any parity to other localities in saying the appeals process was left to the City or County Manager. Mr. White said that the appeals section was replicated in other ordinances. City Attorney Mr. Matthew C. Freedman said that while this did not provide for the City Manager designee, it does somewhat reflect what was under the nuisance ordinance as far as an appeals process. Providing an administrative means of appeal gave the due process if someone wanted to challenge the protocol of the issue. Councilmember Faraldi asked if a court proceeding could still follow if they really wanted to. Mr. Freedman said that they could, but there would likely be adequate grounds on the City's behalf to defend it, otherwise they would not have standing or a proper avenue to seek that. To have an administrative process of appeal versus having a court process of appeal was the alternative.

Councilmember Faraldi asked if there was any similar parity across the Commonwealth where a Board had appointed a commission or the legislative body itself was the final say on it, because otherwise it would be tied to one person. Mr. White said that he was unaware of other localities using that sort of appeals process. There was a Board of Building Code Appeals that looked at some issues, but most of those processes went through a state board, and a lot of deference came back to that individual appeals process. Defining derelict housing was the definition of a standard in the ordinance, with specific notes of findings of facts. Councilmember Faraldi asked what the punishment was related to the nuisance ordinance. Mr. White answered that the City was allowed through the nuisance standard to remove the violation and charging the owner, which was consistent with how they handled other public nuisances.

Councilmember Nelson said that he had concern with the area of the ordinance that said that said the City Manager's decision would be final and not subject to appeal. He asked if this ordinance meant that even if the locality had abused its discretion and not afforded due process that there was a bar to the property owner who may suffer loss of property rights was forfeited by virtue of the City's actions. Mr. Freedman said that they would not be able to proceed pursuant to this statute on a general appeal, but if more than two were considered, it would not be an issue to make an appeal as far as another board or court proceeding. These were presented as part of a toolkit, but if Council wanted to just adopt the other two, they could look at it again. Councilmember Nelson said that abusive discretion was the very foundation which justified an appeal to a judicial body from an administrative hearing or decision, and this ordinance made no consideration for possible abusive discretion. There should certainly be some sort of intermediary body who would review what the City Manager and staff did so as to ensure that due process was protected for and by everyone in the City. He proposed that it be worked on and brought back to them with that note.

Councilmember Helgeson said that the City Manager worked for City Council, and if there was some egregious thing that the Council found, the Manager would correct their ways or leave the position. There were already standards for the properties in the ordinance that Mr. White had mentioned. He asked if there was any problem with repealing it once enacted. Mr. White said no.

Councilmember Wilder motioned, seconded by Councilmember Tweedy, to adopt all three ordinances.

Councilmember Wilder said that if there were concerns, they could make adjustments if need be in the future.

Councilmember Tweedy said that citizens were concerned that this the topic should be revisited in terms of a report on what had been done so far or example scenarios.

Councilmember Nelson said that he appreciated the motivation and justification for an ordinance like this, but he had concern about the procedural protections and due process. They should get it right the first time and not wait to see who would be unduly burdened by it, putting on that individual property owner the cost to undertake and initiate the efforts to protect the property because the City did not care what happened to them if the City Manager or the designee had made a decision. It should be built into the process an orderly and logical means by which an aggrieved citizen who felt things did not go well for them to be heard by an institution and authority of this City without bothering them about it, because if it was meritorious, it would be dealt with by the administrative appellate body or by a court.

Councilmember Helgeson asked if the last section could be amended to add the decision of the City Manager could be appealed by City Council. Councilmember Nelson said that he would like for the City Administration to state what they would like to have included in the document that would be a reasonable, responsible, and practical solution. Councilmember Helgeson said that rather than having a body to oversee the appeals, the easiest thing would be to say the decision could be appealed to City Council. Councilmember Nelson said that it may be a reasonable solution, but he did not like a political majority. Mr. Freedman said that something like this with an appeals process should have more robust wording, so staff could look at it and provide something for further process beyond the City Manager and bring it back to the Council.

Councilmember Faraldi said that they as a government should not set out a policy that did not allow for appeal. He said that he supported the last two ordinances but could not support all three without more crafting on that matter.

Vice Mayor Wright said that he was sympathetic to fleshing out the appeals process more. He asked if there were other land use questions that could be appealed directly to City Council for decisions. Mr. White said that he could not think of anything other than the standard zoning process when Council

was making the decision. Vice Mayor Wright said that he would be happy to vote on the other two ordinances, but preferred to hold until the other language was identified.

Councilmember Wilder made the motion to approve Ordinance #O-22-037 which addresses clutter and Ordinance #O-22-038 which addresses demolition and to table the ordinance addressing derelict properties. Councilmember Tweedy seconded the motion.

Councilmember Nelson asked for the code section that they were voting to approve. Mr. Freedman said that the second ordinance was identified as an Ordinance to Amend and Re-Enact the Code of the City of Lynchburg 1981 by Amending §11-123 of Chapter 11, the amended section related to demolition permits, and the third ordinance was an Ordinance to Amend and Re-Enact the Code of the City of Lynchburg 1981 by amending §26-2 of Chapter 26, the amended section related to enumeration of public nuisances. Councilmember Nelson asked which ordinance was not being voted on. Mr. Freedman said that the ordinance not being voted on was titled an Ordinance to Amend and Re-Enact the Code of the City of Lynchburg 1981 by adding thereto a new §11-61 of a new Article 2A of Chapter 11, a new article on the section related to derelict buildings.

With no further discussion from Council, the following vote was recorded:

|  |   |
|--|---|
| Ayes: Dolan, Wright, Helgeson, Nelson, Tweedy, Wilder, Faraldi | 7 |
| Noes:  | 0 |

// In the matter of Engineering, Agenda Item #10, Council considered adopting a resolution supporting the inclusion of two SMART SCALE project applications to VDOT for funding. Mr. Lee Newland, City Engineer, gave a brief overview to Council. Council reviewed these projects as a Business Item Briefing on February 22, 2022 and recommended the projects be included in the pre-application process. The application process is required to be submitted by August 2, 2022 and a resolution of support from the governing body of the entity making application is required. The suggested projects are:

1. A Candler's Mountain Road Study from University Blvd to Sunnymeade Road in Campbell County identified the offset intersection of Liberty Mountain Drive as a concern that needed to be addressed. If this application is successful, funds will be provided to reconfigure the intersection; final configuration will be determined after additional engineering analysis.

2. A Potential Safety Improvement (PSI) Study identified the intersection of Langhorne Road, Rivermont Terrace, and Vassar Street as an opportunity for safety improvements. A concept plan is underway, to include public outreach, to determine what is the best solution for this intersection. If this application is successful, funds will be provided to implement the final plan.

Vice Mayor Wright motioned, seconded by Councilmember Faraldi, to adopt the Resolution #R-22-039.

Councilmember Helgeson asked what the price was for the second project. Mr. Newland said that the application had not been finalized and was due in August. He said that a consultant was currently working on the project, and a public meeting was held at the public library three weeks ago, where the majority of people were in favor of a roundabout because that area was one of the highest crash areas in the City. Councilmember Helgeson asked what the cost was of the project. Mr. Newland said that it was about \$8M before, and they were trying to reduce the size of the roundabout so that they did not have to take as much property and so that it would be a less expensive project. Councilmember Helgeson said that he could support the first option but not the second one, because residents did not think it was an appropriate use of funds to construct the roundabout in the middle of their neighborhood. The funds could be moved to another project where work was more desperately needed.

Vice Mayor Wright made the motion to adopt Resolution #R-22-039a which supports the SMART SCALE project that addresses the intersection of Liberty Mountain Drive. Councilmember Faraldi seconded the motion.

Ayes: Dolan, Wright, Helgeson, Nelson, Tweedy, Wilder, Faraldi 7

Noes: 0

Vice Mayor Wright made the motion to adopt Resolution #R-22-039b which supports the SMART SCALE project that addresses the intersection of Langhorne Road, Rivermont Terrace, and Vassar Street. Councilmember Faraldi seconded the motion.

Ayes: Dolan, Wright, Nelson, Tweedy, Wilder, Faraldi 6

Noes: Helgeson 1

// In the matter of the Budget, Agenda Item #11, Council considered adopting Resolution #R-22-040 amending the FY 2023 General Fund budget and appropriating funds for the purpose of extending the

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living wage increase for all part-time and hourly employees and to enhance funds available to impact compression. Ms. Donna Witt, Chief Financial Officer, gave a brief overview of the item. The FY 2022 Adopted Budget appropriated funds to implement a 5% general wage increase for City employees. This amount was an estimate, based on personnel data at the time the budget was adopted. Following the implementation of the 5% general wage increase, funds of approximately \$620,492 are remaining due primarily to vacancies. The Adopted FY 2023 Budget appropriates funds to provide a living wage for all full-time employees. In addition, funds are earmarked in the FY 2023 Adopted Budget to address compression. With the funds remaining from the 5% general wage increase implemented in FY 2022, all part-time and hourly employees will also be included in the living wage. Use of these remaining funds beyond those necessary for the living wage will be added to the compression funds to provide additional impact.

Vice Mayor Wright clarified that these were recurring funds, so the money was expected annually, and the recommendation was to make this more of an ongoing commitment. Ms. Witt said that was correct, because it was provided for the 5% increase, which was an ongoing cost. Vice Mayor Wright asked how much was broken down in wage increases addressing compression. Ms. Witt said that only \$30,000 would bring the rest of the temps and hourly workers up to the \$14.03. Vice Mayor Wright asked if the \$590,000 was for compression. Ms. Witt said yes. Vice Mayor Wright asked if that was encompassing all departments. City Manager Mr. Wynter C. Benda said that two years through 30 years were included. Vice Mayor Wright asked if they were identifying which departments had the most need or if it would be pro-rata. Mr. Benda said that there were 15 other departments that this would apply to. Vice Mayor Wright said that he favored this but would like to know ultimately once they decided where this was going to go what departments were affected and how. Vice Mayor Wright made the motion, seconded by Councilmember Nelson.

Councilmember Helgeson said that the revenue could go back to the tax payers. He said that he would not support the measure. He said that they needed to provide relief to the citizens. He said that they could reduce the tax rate by \$0.01 ongoing.

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Councilmember Nelson said that the lower end of the salary range deserved the salary increases. He said that part-time and hourly employees were at the lower end of the salary range. He said that he would support the measure to take steps to provide a living wage.

Councilmember Wilder stated that he would support the motion. He said they needed to take action to address compression and appropriately compensate employees.

Vice Mayor Wright said that excellent services were delivered through a high-quality workforce, which was difficult to attract and retain if they were not compensated correctly. He asked what type of positions were affected by the \$30K increase.

Ms. Witt responded that there were part-time positions in Parks and Recreation, life guards, and temporary summer positions.

Councilmember Faraldi asked how much was in the previous budget for the recurring positions throughout the City. He clarified that they were using recurring vacancies to fund the proposal.

Ms. Witt said that they were not. She said that for the 5% across-the-board increase in 2022, they set aside a projected amount of the cost for all employees. She said that because there continued to be so many vacancies in 2022, the funding for the present measure was the leftover from the 5% increase.

Councilmember Helgeson noted that the budget increased spending on personnel by \$13M. He said that he was not supportive of the measure.

Councilmember Tweedy stated she supported the citizens, the work of the finance department, and the City administration.

Councilmember Faraldi asked if they could receive a copy of the report of where the funds would go for compression prior to the deadline for spending the funds.

Mr. Benda said that the report could be provided. He said that the report could be provided on the 28. He said that approval would take two votes—one now, and one on the 28.

Ms. Witt said that they could provide the information. She clarified that the cost was about \$200K for the living wage increase for part-time and hourly employees.

Councilmember Faraldi stated that he needed more information to support the measure.

Councilmember Wilder stated that he supported the decisions by staff. He said that the City Administrator was addressing compression issues as directed by the Council.

Councilmember Nelson said that he would support the measure.

Councilmember Helgeson stated that they did not want to cause wage inflation by paying employees above a market rate wage. He asked why the item was not included in the budget process.

Mr. Benda said that the budget was level funded, and departments were able to submit enhanced funding requests. He said that when they discussed a living wage, they knew that there were 96 people who fell into the category, and of fulltime employees, there were 13. He said that it was difficult for the City to recruit lifeguards because they were at the low end of wages. He said that small seat compression across the board was an issue he was supposed to address ever since he started working for the City.

Councilmember Helgeson clarified that the funding was from the present fiscal year, and it required two votes to be able to allocate it.

Ms. Witt explained that the funding would be allocated to the compression funding appropriated for FY 23.

Vice Mayor Wright moved the previous question.

With no further discussion from Council, the following vote was recorded:

Ayes: MaryJane Dolan, Beau Wright, Sterling Wilder, J. Randy Nelson,

Treney Tweedy 5

Noes: Jeff Helgeson, Chris Faraldi 2

// On motion of Councilmember Wilder, seconded by Councilmember Nelson, Council, by the following recorded vote, elected to hold a closed meeting to consider appointments to the Lynchburg City School Board pursuant to Section 2.2-3711(A)(1.) of the Code of Virginia.

With no discussion from Council, the following vote was recorded:

Ayes: Dolan, Wright, Helgeson, Nelson, Tweedy, Wilder 6

Noes: Faraldi 1

// The meeting was reopened to the public.

// Councilmember Helgeson made the following motion:

WHEREAS, the Council of the City of Lynchburg has convened a closed meeting on this date, pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act; and

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WHEREAS, Section 2.2 3712 of the Code of Virginia requires a certification by City Council that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Lynchburg certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by Council.

The motion was seconded by Councilmember Wilder, and Council, by the following recorded vote, adopted the motion:

|  |   |
|--|---|
| Ayes: Dolan, Wright, Helgeson, Nelson, Tweedy, Wilder, Faraldi | 7 |
| Noes:  | 0 |

// The meeting adjourned at 9:35 p.m.

\_\_\_\_\_  
Clerk of Council

June 7, 2022

// A special meeting of the Council of the City of Lynchburg was held on the 7<sup>th</sup> day of June, 2022, at 5:00 p.m. in Council Chamber, City Hall, MaryJane Dolan, President, presiding. The following Members were present:

|  |   |
|--|---|
| Present: MaryJane Dolan, Beau Wright, Jeff Helgeson, J. Randy Nelson, Treney Tweedy, |   |
| Sterling A. Wilder, Chris Faraldi  | 7 |
| Absent:  | 0 |

// In the matter of recognitions, Vice Mayor Wright presented the Patty Worsham Recognition Day Proclamation. Ms. Patty Worsham thanked Council, Mayor, Vice Mayor, and her friends and colleagues present this afternoon, and all the people she worked with and taught at E.C. Glass. She said that it had been a privilege and honor to teach generations of children, and being educated by one Councilmember's father at Lynchburg College, she learned about the tradition of a community where people stayed together, and students came back and raised their families.

// In the matter of Community Development, Agenda Item #1a, Council received a briefing on the Fiscal Year (FY) 2023 Annual Action Plan for the Community Development Block Grant (CDBG) and HOME Program Funds. Mayor Dolan stated that the item will appear for City Council vote on the June 28, 2022 Public Hearing agenda. Ms. Melva Walker, Grants Manager, gave a summary to staff. The Department of Housing and Urban Development (HUD) requires local governments, which receive federal Community Planning and Development (CPD) formula block grant funds to prepare an Annual Action Plan as a component of the approved 2020-2024 Five-Year Consolidated Plan for the CDBG and HOME Program. This Plan has been prepared, with the required sections, and includes the CDBG and HOME projects that will be implemented during the program year to address the identified needs and objectives. The FY 2023 decrease in CDBG (\$14,338) and increase in HOME Program (\$7,178) funding based on final entitlement amounts from HUD. Ms. Walker stated that the recommended and approved project amounts had been adjusted as follows: Diamond Hill Neighborhood Plan and Improvement Project in the CDBG Program decreased by \$14,338, and the HOME Program, Lynchburg Redevelopment and Housing Authority's Home for Good Project, had been increased by \$7,178, and the required 30-day public comment period for the plan began on May 21, 2022, and will conclude at the public hearing scheduled to be conducted by the City Council on June 28, 2022.

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Councilmember Wilder asked how the decision to reduce the amount for the Diamond Hill project was reached. Ms. Walker answered that it was the recommendation from CDAC.

// In the matter of Planning, Agenda Item #1b, Council received a briefing on the Conditional Use Permit (CUP) of the New Vistas School at 520 Eldon Street. Mayor Dolan stated that this item will appear for City Council vote on the June 28, 2022 Public Hearing agenda. Ms. Rachel Frischeisen, Planner II, stated that New Vistas School is petitioning for a CUP at 520 Eldon Street to allow the construction of a six thousand two hundred sixty-two (6,262) square foot building to be used as a gymnasium and classroom space in an R-3, Medium-Density Residential District. There is no proposed increase in student enrollment with this petition. On April 27, 2022, the Planning Commission recommended approval (6-0), with 1 vacancy, of the CUP petition on, and the Planning Division recommended approval of the CUP petition.

Councilmember Helgeson said that this would be a great improvement and addition to the school site.

// In the matter of Planning, Agenda Item #1c, Council received a briefing on a Conditional Use Permit (CUP) for the Spring Hill Cemetery Association at 1550 James Street. Mayor Dolan stated that the item will appear for City Council vote on the June 28, 2022 Public Hearing agenda. Ms. Rachel Frischeisen, Planner II, gave a summary of the item to Council. Spring Hill Cemetery Association has submitted a CUP petition proposing the expansion of the existing cemetery. The expansion would include enlargement of the existing columbarium, new columbarium walls, a cremation garden, new burial plots and a new vehicular egress to Stadium Road. The property is zoned R-3, Medium-Density Residential District which allows cemeteries upon approval of a CUP by City Council. On May 11, 2022, the Planning Commission recommended approval (4-0), with 1 vacancy and 2 members absent, Bowden and Johnson, of the CUP petition. The Planning Division recommended approval of the CUP petition.

Councilmember Helgeson said that he regretted his past vote to close Rives Street, and if there was a way to rectify the closure of that public, he would like to identify and implement that procedure before this new CUP returned to the Board. He said that he would not be voting to any changes to the CUP while Rives Street remained closed.

Councilmember Tweedy asked if the cemetery owned most of the property in the neighborhood. Ms. Frischeisen said yes, most of the undeveloped parcels that did not have a house on it were owned by

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the cemetery. She said that she recalled that during her tenure on the Physical Development Committee, there was much discussion about the expansion, and the cemetery's ownership of the surrounding parcels and the development and expansion of the cemetery was a factor in that decision-making then. She asked if more information regarding that could be provided. Ms. Frischeisen said that although it would not change the decision made at that time, there was a code change enacted after that in which right-of-ways proposed to be vacated that were currently in use by the public had to have signage posted prior to the public hearing.

// In the matter of Planning, Agenda Item #1d, Council received a briefing on a Conditional Use Permit (CUP) for the Liberty Christian Academy (LCA) at 1120 Hershey-Esbenshade Drive and 701 Mountain View Road. Mayor Dolan stated that this item will appear for City Council vote on the June 28, 2022 Public Hearing agenda. Ms. Rachel Frischeisen, Planner II, gave a summary of the item to the Council. Liberty University, Inc. has submitted a CUP petition to allow the construction of a four thousand, one hundred twenty-one (4,121) lighted multi-sport athletic complex at 1120 Hershey-Esbenshade Drive. Ingress / Egress improvements to support the facility are proposed at 701 Mountain View Road. On March 14, 2017, Council approved a CUP petition to allow a larger, six thousand (6,000) seat facility; however, the CUP has since expired. On May 11, 2022, the Planning Commission recommended approval (5-0), with 1 vacancy and 1 member absent, Johnson, of the CUP petition. The Planning Division recommended approval of the CUP petition.

Councilmember Helgeson asked for clarification for the purpose of the traffic study needed. Ms. Frischeisen said that the institutional use allowed many uses, and this was one of very few that required a CUP, which was valid for 36 months for institutional uses, and because that time had lapsed, it was procedural to bring this item back to Council.

// In the matter of City Council, Agenda Item #2, Council held a discussion regarding the July 2022 City Council Meeting Schedule. City Manager Mr. Wynter C. Benda gave a brief overview to Council. A calendar was adopted annually by Council, and the redistricting conversation had taken them to June 28, 2022. He stated his intent to propose a work session around the A, B, and D, options, but the timing necessitated Council to decide if they wanted two meetings in July in order to meet the standards under code.

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Councilmember Helgeson asked what the time constraint was for advertisement for June 28, 2022 or July 12, 2022 when the original motion was to have advertisements for scenarios A and B at that meeting. Community Development Director Mr. Kent White answered that they still did not have enough time to have things advertised on June 28, 2022, but the goal was to have all information related to precincts, boundaries, and polling places before the Board at that date, then advertise the preferred scenario. Mr. White said that staff's suggestion was to have a called meeting on July 26, 2022, giving Council the ability to have both meetings in July or cancel the July 12 meeting. Councilmember Helgeson suggested the fourth Tuesday in August as the next date. He asked if the July 12 meeting was unnecessary. Mayor Dolan said that was correct.

Mayor Dolan asked what the consensus was for July 26, 2022 as a meeting date.

Councilmember Faraldi asked if the meeting was currently scheduled or would be called as a special meeting on July 26.

Mr. Benda said that it was not currently on the calendar, and the current date was held as July 12. He said that the July 12 meeting would be cancelled and a special meeting would be held on July 26. He said that Councilmember Helgeson had proposed they cancel August 9, 2022 and add a meeting on August 23, 2022; Councilmember Helgeson said that was correct.

Mayor Dolan noted that there was consensus from the Council.

// On motion of Councilmember Wilder, seconded by Vice Mayor Wright, Council considered the to hold a closed meeting to consider appointments to the Lynchburg City School Board pursuant to Section 2.2-3711(A)(1.) of the Code of Virginia.

Councilmember Faraldi stated that he would be voting against the closed meeting because he would rather have this process be more transparent and open to the public.

Councilmember Helgeson said that taxpayers, students, families, teachers, administration, and the School Board had been suffering in their school system. He said that many issues had not been addressed, and constituents had stressed how important it was for their elected officials to make education better in Lynchburg. He noted that bus drivers had recently been petitioning the School Board for collective bargaining within the City of Lynchburg because they had not been heard by their unions, administration, or the City government, but the issues of the school bus service had been going on for

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years. He said that there must be dramatic changes, and there must be credible candidates to serve on the School Board. He motioned, seconded by Councilmember Faraldi, to appoint Dr. Martin Day to School District 2. Councilmember Helgeson said that Dr. Day had answered the questions and was a good person who would bring wisdom, age, and intellect. He said that many current employees in the schools were not happy, so he hoped they could appoint Dr. Day to District 2.

Councilmember Tweedy said that she would like to make a substitute motion to go into closed session. She stated that politics should not be encroaching on the education system.

Councilmember Faraldi said that Dr. Day would be a fine addition to the School Board with his background in education at Virginia Tech and in Lynchburg. He said that it would be a disservice to put someone of lesser caliber to the position, so he looked forward to voting on the motion to support his appointment.

Councilmember Nelson said that he agreed with the high qualifications of Dr. Day, but it was inappropriate to critique any or all of these portfolios in a public session where they wanted to hear candid remarks and observations. He stated that while he would vote against the motion, it did not mean he would not otherwise support Dr. Day, but he wished to have the flexibility to candidly discuss candidates and make sound decisions.

Vice Mayor Wright said that he agreed that Dr. Day was a quality candidate but the inappropriateness of this motion led him to be unsupportive.

Councilmember Wilder said that he appreciated the process that allowed them to discuss all of the candidates. He said that the City had reviewed all interviews of candidates and had sent comments regarding that.

Councilmember Helgeson said that the vote for appointments would be public. He said that it was appropriate to have the justifications for the votes as well.

Mayor Dolan stated that the conversation would not be as candid in open session as it would be in closed session, and she did not want the process hijacked. She said that it had no reflection on her opinion of Dr. Day, however she would be voting against the motion.

With no other discussion from Council, the following vote was recorded:

Ayes: Helgeson, Faraldi

2

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Noes: Dolan, Wright, Nelson, Tweedy, Wilder 5

Councilmember Helgeson clarified that the votes would be in public after the closed session.

Mayor Dolan said yes.

With no other discussion from Council, the following vote was recorded:

Ayes: Dolan, Wright, Nelson, Tweedy, Helgeson, Wilder 6

Noes: Faraldi 1

// The meeting was reopened to the public.

// Councilmember Helgeson made the following motion:

WHEREAS, the Council of the City of Lynchburg has convened a closed meeting on this date, pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act; and

WHEREAS, Section 2.2 3712 of the Code of Virginia requires a certification by City Council that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Lynchburg certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by Council.

The motion was seconded by Councilmember Nelson, and Council, by the following recorded vote, adopted the motion:

Ayes: Dolan, Wright, Helgeson, Nelson, Tweedy, Wilder, Faraldi 7

Noes: 0

Councilmember Helgeson motioned, seconded by Councilmember Faraldi, to appoint Dr. Martin Day to the Lynchburg City School Board, School District 2, for a 3-year term expiring June 30, 2025.

With no other discussion from Council, the following vote was recorded:

Ayes: Dolan, Wright, Nelson, Tweedy, Helgeson, Wilder, Faraldi 7

Noes: 0

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Councilmember Wilder motioned, seconded by Councilmember Nelson, to appoint Mr. Anthony Andrews to the Lynchburg City School Board, School District 1, for a 3-year term expiring June 30, 2025.

Councilmember Faraldi said that he would not be supporting this appointment because he did not think Mr. Andrews adequately supported parents' oversight and ability to make decisions in bringing up their children, and there was a stronger application for Dr. Struble in this process.

Councilmember Helgeson said that he would be voting against Mr. Andrews' appointment because there were many issues plaguing the school system that other candidates could address more adequately.

Councilmember Wilder said that Mr. Andrews had worked in their community in elementary and pre-kindergarten education programs to ensure their children were educated properly, and his own children attended the Lynchburg City schools, so his voice was appreciated.

Councilmember Tweedy stated that she would be voting in support of Mr. Andrews due to his engagement in the school system and community through his work as a parent and as a firefighter. She stated that his qualifications, time spent in the community, and volunteer work gave him an understanding of the school system that they wanted to build for the current and future students.

Councilmember Helgeson said that parents decided to take their children out of Lynchburg City schools because the schools required improvement. He said that there were facts as to how the schools were doing, and it was critical that they appointed leadership who would ask good questions and demand accountability.

Councilmember Tweedy said that there were many reasons why people did not enroll their children in the public school system, but all were invited to participate.

With no other discussion from Council, the following vote was recorded:

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| Ayes: Dolan, Wright, Nelson, Tweedy, Wilder | 5 |
| Noes: Faraldi, Helgeson                     | 2 |

Councilmember Helgeson motioned, seconded by Councilmember Faraldi, to appoint Dr. Jason Fleshman to the Lynchburg City School Board, School District 3, for a 3-year term expiring June 30, 2025. He stated that Dr. Fleshman had noted the issue of high teacher turnover and the underlying issues, which was important in making Lynchburg schools better. Councilmember Faraldi said that Dr.

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Fleshman would be a wonderful addition to the Lynchburg City School Board because he opposed collective bargaining and spoke creatively about how to bring in a competitive nature to the public school system by teaching vocational opportunities and was transparent and direct in his answers.

Councilmember Wilder made a substitute motion, seconded by Councilmember Tweedy, to appoint Ms. Gloria Preston to the Lynchburg City School Board, School District 3, for a 3-year term expiring June 30, 2025. Councilmember Wilder said that Ms. Preston had worked as an educator in Lynchburg City Schools and surrounding counties for more than 30 years, and he was a well-respected member of the community who had continued to strongly support public education through volunteerism. He said that she would be a great asset to the School Board due to her insight and relationships within the school system in order to make it better. Councilmember Tweedy said that Ms. Preston had a proven record of pulling children across the standardized testing line as a principal, served in rural county and city school systems, and served in positions that shouldered many large burdens throughout the years. She said that Ms. Preston's knowledge was essential to addressing issues in the school system and Dr. Fleshman did not have commensurate experience.

Vice Mayor Wright said that he would support the motion because he had great respect for Ms. Preston, her experience, and her integrity. He expressed his thanks to the candidates who submitted their names and participated in the process.

Councilmember Nelson said that Dr. Jason Fleshman would be a great member of the School Board, with a variety of insights that could be brought, and not only had he been a teacher in their school system but could look at the school division from a state level. He said that however, he also shared the highest regards for Ms. Gloria Preston, and he would be supporting her nomination.

Mayor Dolan said that Ms. Preston would be a strong School Board member due to her experience in the school system and community involvement, so she would be supporting her appointment.

Councilmember Faraldi clarified that the vote was for the substitute motion, which was to appoint Ms. Preston to District 3; Mayor Dolan replied yes.

With no other discussion from Council, the following vote was recorded:

Ayes: Dolan, Wright, Nelson, Tweedy, Wilder

5

Noes: Helgeson, Faraldi

2

Councilmember Faraldi said that he challenged the notion that by nominating the same type of person who had works within the institution, there would be some sort of product. He said that having less involvement in the school system did not bar other citizens from serving on the School Board in this capacity.

Vice Mayor Wright said that he was not entirely clear on what Councilmember Faraldi's comments referred to, because both nominees had served their entire careers in school systems of a public nature, and affiliation with Liberty did not preclude anyone from serving in Lynchburg boards and commissions.

Councilmember Tweedy said that in her time served on the School Board, many members had been employed by Liberty University, and nor the City nor Council was against anyone working with Liberty. She said that there should not be divisive verbiage around these appointments and those who had previously served in the seats.

Councilmember Faraldi said that Dr. Fleshman's and Ms. Preston's backgrounds were not being compared fairly when they each had adequate experience, and Dr. Fleshman's interview gave clarity on his views of collective bargaining.

Councilmember Helgeson said that Dr. Fleshman had the best chance of facing the challenges in the school system based on the questions answered in his interview, and he had brought up the issues of teacher turnover and alternative education.

Mayor Dolan said that Ms. Preston was a very qualified person for this position. She said that both Dr. Fleshman and Ms. Preston were impressive candidates, and it was difficult for her to decide, but she would continue to support Ms. Preston because she was who the community needed for this position.

With no other discussion from Council, the following vote was recorded:

Ayes: Dolan, Wright, Nelson, Tweedy, Wilder

5

Noes: Helgeson, Faraldi

2

// The meeting adjourned at 6:20 p.m.

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Clerk of Council

June 28, 2022

// A regular meeting of the Council of the City of Lynchburg was held on the 28th day of June, 2022, at 4:00 P.M. in the Council Chamber, City Hall, MaryJane Dolan, President, presiding. The following Members were present:

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|---|---|
| Present: MaryJane Dolan, Jeff Helgeson, J. Randy Nelson, Treney Tweedy, Sterling A. Wilder, |   |
| Chris Faraldi   | 6 |
| Absent: Beau Wright   | 1 |

// City Manager Wynter Benda announced that Assistant City Manager John Hughes had recently earned a Doctor of Philosophy, so his title would now reflect that association. He announced that Alec Brebner had been hired as Executive Director at Central Virginia Planning District Commission.

// In the matter of Redistricting, Agenda Item #1, Council continued a discussion on redistricting. Mr. Tom Martin, City Planner, gave a brief overview of the item to the Council. This was the monthly work session for redistricting, which was required to be done by state and local governments based on the results of the 2020 Census. City Council would select Scenario A, B, or D forward and precinct boundaries for public hearing on July 26, 2022. At the May 24, 2022 Work Session, City Council directed staff to redraw precinct boundaries based upon the minimal impact necessary to voters for Scenarios A, B & D. Precinct boundaries have been redrawn for each scenario and meet the requirements of State Code for ward, precinct, and polling places. He stated that in Scenario A, there would be 788 voters with a change in polling place, in Scenario B, there would be 1,359 voters with a change in voting place, and in Scenario D, there would be 3,983 voters with a change in voting place. He said that also in Scenario D, there would be 5,986 voters who experienced a change in ward but not in polling place, for a total change affecting 9,969 voters. He stated that for Liberty University, there was a request to move the polling place from the Vines Center to the Montview Alumni Ballroom for Scenarios A, B, and D, which would affect 2,145 voters in Ward III, Precinct 2. He said that in Scenario A, the Change Area 1 was the area from Old Forest Road to Lakeside Drive, which would shift from Ward IV, Precinct 4, to Ward II, Precinct 1, and voters would begin voting at St. Paul's Episcopal Church. Change Area 2 was currently in Ward IV, Precinct 3, and was proposed to go to Ward II, Precinct 2, which had a polling place of Robert S. Payne. Change Area 3, the Fort Avenue to Oakley Avenue area had the largest shift in voters over to Robert S. Payne. Change Area 4 had no population in the area but was suggested as a change because of mapping issues. He

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said that under Scenario A, the people who would remain in Ward III, Precinct 1, could continue to vote at Lynchburg Public Library, or they could vote at a new polling place, West Lynchburg Baptist Church, or it could be combined at Sheffield. He indicated the resulting shifts in the wards resulting in these changes. He said that Scenario B also shifted population into Ward II and out of Wards III and IV. He said that in this scenario, Change Area 1 shifted from north of Ivy Creek, currently in Ward IV, Precinct 4, to Ward I, Precinct 5, and voters currently voting at Linkhorne Middle School would begin voting at First Christian Church. Change Area 2 had Ward III, Precinct 1, where voters currently voted at the library and would move to Robert S. Payne. He indicated the shifts in the ward boundaries resulting from the population changes. He said that Scenario D divided the City more into quadrants, meeting the populations for each wards, but with more change areas involved. Change Area 1 contained the area north of Ivy Creek that would begin voting at First Christian Church, changing from Ward IV to Ward 1. Change Area 2 was currently in Ward IV and would become part of Ward I, but polling places would not be changed. Change Area 3, north of Lakeside Drive, was part of Ward I, and would still be in Ward I but would have a change in polling place from Heritage Baptist Church to Linkhorne Middle School. Change Area 4 was the area south of Lakeside Drive, currently in Ward I and would change to Ward IV, with the polling place remaining at Heritage Baptist Church. Change Area 5 was in Ward IV and would go to Ward II, becoming part of a new precinct, Ward II, Precinct 5, along with Area 6 and 7, that would vote at the Lynchburg Public Library. Area 8 was a triangular piece, and in this scenario, Area 9 was the polling place for Ward III, Precinct 1 would have to go to Lynchburg Baptist Church or be combined with Sheffield. He indicated the changes in boundaries resulting from the ward shifts. He reiterated that staff requested decision for the scenario, the polling place for Ward III, Precinct 1, and consideration of the request for Liberty University to move the polling place for Ward III, Precinct 2.

Councilmember Helgeson said that after discussing Scenario D, there was more disruption to voters than initially anticipated, and he preferred a scenario with less impact such as Scenario A, which only moved about 800 voters and allowed the polling place to remain at the library.

Councilmember Nelson asked if affected voters and least changes for voters were somewhat synonymous with maintaining closer to the status quo. Mr. Martin said that he was unsure if it was the least change, but it was a change that citizens would be notified, whether it was a change of ward or

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polling place. Councilmember Nelson asked if A and B had the least changes and D had greater changes. Mr. Martin said that from the numbers, yes. Councilmember Nelson said that three of the principles opposing gerrymandering were to ensure that districts were compact, cohesive, and contiguous. The three scenarios presented had the least compactness, contiguity, and cohesiveness in Scenarios A and B, but Scenario D complied with those standards in a strict way so that there was no gerrymandering. It would be beneficial to make a change in 2022 that was sustainable through 2040 than to make a massive change in 2031, and this would allow their citizens to adjust to what would become a much more established landscape that could persevere and be sustainable. He said that changing the status quo was not concerning if there was just reason to do so, and Scenario D gave them a concise, anti-gerrymandered approach. He stated that he approved for Ward III, Precinct 1 to move to West Lynchburg Baptist Church.

Councilmember Faraldi asked if there was a definition as to what clearly defined and observable boundaries were. City Attorney Mr. Matthew Freedman said that it was statutorily defined in the State Code, and typically referred to boundaries in the real world such as roadways, bodies of water, and railroads, and was specifically contemplated in State Code §24.2. Councilmember Faraldi asked if defining a residential neighborhood between one of those roads counted, meaning any road dividing one set of houses from another. Mr. Feedman said that as long as the boundaries followed the road, it would be acceptable. Councilmember Faraldi asked for clarification that a townhome community could be divided in such a way. Mr. Feedman said that under the definition of observable boundary, yes, but depending on the motive behind the change, there may be other issues, such if there were other issues that created dilution of a minority group of voters or changed a majority/minority vote in a particular ward. He said that Council could consider keeping neighborhoods together and cohesive as described by Councilmember Nelson, but in discussion of clearly observable boundaries, the idea did not necessarily look at a neighborhood but at physical things to follow on a map. Councilmember Faraldi said that in his understanding of the materials, splitting a neighborhood would not be justified. He clarified that his question pertained to Scenarios A and B, which maintained a split of a townhome community currently divided by Wards IV and I, on Devonshire Road. He said that this split affected the ability for the neighborhood to be represented effectively. He stated that he agreed with Councilmember Nelson in that

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Scenarios A and B maintained the status quo, which was not appropriate for this process, and the right thing to do was to follow Scenario D, bring together the neighborhoods, and use the boundaries in the proper way. He said that the goal was that for people who had a new precinct should be counted as an impact, change, or adjustment, but moving from one precinct or ward to another was not considered a change, because there was not a physical change but a change in district, and the state did not consider that a change in their creation of districting maps. He asked if the change in the Liberty University polling place was included in the numbers for impacts. Mr. Martin answered that no, they were not included in the previously listed numbers, because they came in very late and it was equal across all three scenarios. Councilmember Faraldi said that a change associated with a number should be considered with this definition change. Mr. Martin said that yes, and the number of voters affected had been shared with Council.

Councilmember Tweedy said that Scenario D was disrupting, conflicting, and confusing. She said that she agreed with Councilmember Helgeson about selection of Scenario A, which was the least disruptive to voters. She motioned, seconded by Councilmember Helgeson, to approve Scenario A, allowing Liberty University to switch their polling places from the Vines Center to the Montview Ballroom, and keeping the library polling place for Ward III, Precinct 1. Councilmember Helgeson said that with the exponential growth in Lynchburg, it was the Council's duty to decide how to fulfill the comprehensive plan, and Scenario A would be the easiest option to achieve their goals.

Councilmember Wilder asked if any additional comments had been received. Mr. Martin said that about 100 more comments had been received since April, and it was essentially the same information as had been stated before. Councilmember Wilder asked if Scenarios A and B were considered to be gerrymandered. Mr. Martin said that he would leave that to Council to decide. Councilmember Wilder said that he could approve of Scenario A.

Councilmember Helgeson clarified that there was a scenario that added a precinct in Scenario D. Mr. Martin said that yes, Scenario D added a precinct.

Councilmember Faraldi asked how or who was disenfranchised by Scenario D. Councilmember Tweedy said that there was potential of 9,000 voters who would be moved around the City and affected as Scenario D was implemented. Councilmember Faraldi said that if they were going to make a decision

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about redistricting using a word such as impact, there was question about if there should be a definition as to what impact was. Councilmember Tweedy asked if it was legally required there be a definition of impact. Councilmember Faraldi said that there was not, but if they did not have a definition, they were making a decision on an idea that may include different understanding among the members of the Council and community, and potentially could lead to issues if they were not codified in what was understood to be the impact by an associated vote. Councilmember Tweedy asked Mr. Freedman if Scenarios A, B, and D kept the Council in legal compliance with the task of this decision. Mr. Freedman said yes, they stayed within the mathematical limits and preserved the minority/majority district of Ward II, which was of paramount importance, and as far as the precincts and polling places, they adhered to the standard requirements that should be considered in the redistricting process. Councilmember Faraldi asked staff if there was any guidance in the packet information for redistricting procedures as to whether or not impact was used as a justification for changing a district. Mr. Martin said that he was not aware, and the scenarios were based on numbers that the City Attorney had referenced. Councilmember Faraldi asked if Mr. Martin was not aware that there was any in there regarding that. Mr. Martin said no. Councilmember Faraldi said that if that could be provided, it would be helpful. Ms. Christine Gibbons answered that she did not know if there was a definition of impact, but what had been seen in her office and with the Redistricting Committee with Scenario A and B, with the voters being moved who used to vote at the public library being moved to R. S. Payne, and being moved to St. Paul's, there would be additional people voting there, bringing up the total number of voters to over 4,500 for both of those, and they were both currently around 3,500. R. S. Payne was already impacted because there were many people who voted there in person, and it was a small area, and often the line was out of the door. Councilmember Faraldi said that there was no justification for impact making a decision on redistricting, but they could consider impact in their discussions. He said that impact should be defined if the City Council was to make a decision behind it and vote accordingly. He asked if Mr. Martin could share some of the recent information from the public survey. Mr. Martin answered that out of 251 responses, which still considered Scenario C, 43% preferred Scenario D. Councilmember Faraldi asked how many people listed Scenario D as their second choice. Mr. Martin answered that it was 29%. Councilmember Faraldi reiterated that about 70% of people selected Scenario D as their first or second choice. Mr. Martin said

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yes. He said that the other question, which was if it was important that wards were compact, 165 out of 251, or 68% of people said yes, and if it was important for wards to keep neighborhoods together, 180 people or 81% said yes, if it was important for people to remain in the same ward they were in now, 29% said yes, 32% said no, and 39% were indifferent. He said that when asked to indicate what ward they were in, only 94 people responded out of 251. Councilmember Faraldi said that the survey indicated why Scenario D was the best option for the city.

Councilmember Nelson said that Scenario D disenfranchised voters by moving them all over the City. He stated that disenfranchisement included barriers put up that hindered a person's ability to reach the polls, confusing information that suggested wrong directions, voting days, or candidates, but simply having someone travel from a point to a new point was not disenfranchisement. He stated that Scenario D promoted and enhanced the convenience of more voters to vote in their City than either A or B, with wards that were compact, cohesive, and contiguous, and as such, moved voters closer to the precincts in which they would cast their votes rather than distanced through a circuitous route in which a ward extended from Boonsboro to Maple Hill.

Councilmember Helgeson said that they had already held the public hearing from Scenario D, and after this public hearing, they would decide and vote. He said that because both had been properly vetted and advertised with public hearings, they could discuss this on July 26, 2022 as to what option was best. Mr. Freedman said that they would have to have another public hearing in Scenario D in its entirety, because when there were changes in precincts or polling places, it must be readvertised.

Councilmember Faraldi made a substitute motion, seconded by Councilmember Nelson, to hold a public hearing on July 26, 2022, for Scenarios A and D as currently presented, incorporating the Liberty University precinct.

Councilmember Helgeson asked if the public hearing was necessary when Scenario D had already had its public hearing. Mr. Martin stated that only the ward boundaries were under consideration during that public hearing, and the new polling places and precincts required a new public hearing. Mr. Freedman clarified that the public hearing for both scenarios required the boundary changes and related ordinances to be drafted for each. Councilmember Helgeson asked if that information was prepared. Mr. Martin answered that the maps were prepared, but the ordinances were not, as it required a lot of staff

time to create the descriptions for the ward boundaries and precinct boundaries within the wards.

Councilmember asked what the timeframe was to create this information. Mr. Martin said that it would take multiple days. Councilmember Helgeson said that he approved of having another public hearing, but not if it required staff work for an option that had no future or had already been fully addressed.

Councilmember Tweedy asked if not everyone submitted their ward for the survey. Mr. Martin said that was correct. Councilmember Tweedy asked if that was not required on the survey. Mr. Martin said that it was a question on the survey but was not required. Councilmember Tweedy asked if the incomplete surveys were statistically sound based on the questions. Mr. Martin said that the survey gave Council a general idea of how 251 people thought, which was a very small percentage of 79,000 people. Councilmember Tweedy stated that roughly half of those people did not state what ward they lived in. Mr. Martin stated that statistically, he was unsure if they could use the results of the survey to support A, B, or D.

Councilmember Helgeson asked how long it took to get the ballots when deciding between Scenarios A and D and if staff was preparing for either option. General Registrar Ms. Christine Gibbons stated that she would be participating in training through the state so that they could discuss the new changes in the law regarding that each precinct would have to have their own distinct ballot so that the results for early voting and voting by mail could be aggregated by the precinct. She stated that there would be continued training in July and August that would give more information as to what that looked like, but they did look at the numbers for past elections, which was broken down by precinct, and she usually brought those scenarios and estimates to the Council in August, because they had to have them ready by the beginning of September so that they could mail out over 2,000 ballots. Councilmember Helgeson asked if Ms. Gibbons would be preparing any differently, so having both options would not be negative. Ms. Gibbons said no. She stated that the Commissioner of Elections contacted the City, asking what the status was of the local redistricting. She stated that the state was paying for notices to be sent to all voters state-wide, given in the budget from the General Assembly, and the deadline for everything to be done was September 1.

Mayor Dolan called the vote to consider the substitute motion.

Ayes: Nelson, Tweedy, Helgeson, Dolan, Faraldi

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| Noes: Wilder  | 1 |
| Absent: Wright  | 1 |
| Mayor Dolan called the vote to approve the substitute motion. |   |
| Ayes: Nelson, Tweedy, Helgeson, Dolan, Faraldi                | 5 |
| Noes: Wilder  | 1 |
| Absent: Wright  | 1 |

// In the matter of Planning, Agenda Item #2a, Council received a briefing on the rezoning of R-3, Medium Density Residential to R-4, High Density Residential at 2237 Rivermont Avenue. Mayor Dolan stated that this item will appear for City Council vote on the July 26, 2022 public hearing agenda. Ms. Rachel Frischeisen, Planner II, gave an overview of the item to Council. Brian Feedman, M.D. is petitioning to rezone 2237 Rivermont Avenue from R-3, Medium Density Residential District to R-4, High Density Residential District. The property is currently a nonconforming use with seven (7) apartments. On May 25, 2022, the Planning Commission recommended denial (5-0), with 1 member absent, Marion, and 1 vacancy, of the rezoning petition. The Planning Division recommended denial of the rezoning petition.

// In the matter of Planning, Agenda Item #2b, Council received a briefing on the Rezoning of B-1, Limited Business District to R-3, Medium Density Residential District; Future Land Use Map Amendment, Community Commercial to Medium Density Residential, at 620 Leesville Road. Mayor Dolan stated that this item will appear for City Council vote on the July 26, 2022 public hearing agenda. Ms. Rachel Frischeisen, Planner II, gave a brief overview of the item to Council. KAL Holdings is petitioning to amend the Future Land Use Map ( FLUM) from Community Commercial to Medium Density Residential and to rezone approximately one (1) acre from B-1, Limited Business District to R-3, Medium Density Residential District at 620 Leesville Road. If approved the property would be developed as four (4) duplexes. On June 8, 2022, the Planning Commission recommended approval (5-0), with 1 member absent, Light, and 1 vacancy, of the FLUM Amendment and rezoning petition. The Planning Division recommended approval of the FLUM Amendment and rezoning petition.

// In the matter of Roll Call, Agenda Item #6, Councilmember Helgeson stated that the June 22, 2022 TRC meeting included a piece of property in Cornerstone that Council had denied for apartments and had now been approved and recommended for a tiny hotel, with no comment from the Zoning Administrator.

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He said that they denied the residential use because of the potential as a business, but typically hotels had 100 rooms. He said that he wanted to know why it had not come back to Council who had just recently looked at that property and voted down, and why it came back through TRC without comments and as an anomaly as it was. He said that normally there were provisions, conditions, and other items related to retail developments.

Councilmember Wilder stated that the Oak Tree Cemetery had a great event for Juneteenth, and he wanted to commend the staff for that. He stated that Parks and Recreation was also doing Hill City Hoops during the month of July so their children had activities during the summertime. He said that he also appreciated the extended hours at the pool and having events at the basketball arena.

Councilmember Faraldi said that he recently met with the Wyndhurst HOA on Paulette Circle, who had a variety of concerns, one being that they wanted a no U-turn sign put in, and second that they had a tree keeper who was unable to tend to the trees, so the trees were overgrown. He said that they had hoped to have those two items addressed if possible. He requested that at the next scheduled meeting, City Council consider a vote on a resolution speaking to their joint support of the rights of all residents to safely protest, speak, and assemble, a document encouraging peaceful political and civic engagement for anyone seeking to participate, and finally that expresses their unified condemnation and total admonishment of the destructive actions, vandalism, intimidation, and potential violence perpetrated against the Blue Ridge Pregnancy Center on June 25, 2022.

City Manager Benda said that there was opportunity for Council to continue their work session on redistricting for the remainder of the time allotted. He stated that there were closed session items on the formal docket for later, and there was time left to have City staff engage Council until 6 p.m.

Mayor Dolan asked if one item could be addressed during closed session now and the other during the later closed session. City Manager Benda said that was acceptable. Mayor Dolan asked if there were any objections from Council and heard none.

// On motion of Councilmember Helgeson, seconded by Councilmember Wilder, Council, by the following recorded vote, elected to hold a closed meeting to discuss the pending City's Region 2000 Services Authority lawsuit and surrounding circumstances pursuant to §2.2-3711(7) and §2.2-3711(8) of the Code of Virginia, as amended.

June 28, 2022

With no further discussion from Council, the following vote was recorded:

Ayes: Dolan, Nelson, Tweedy, Helgeson, Wilder, Faraldi 6

Noes:

Absent: Wright 1

// The meeting was reopened to the public.

// Councilmember Helgeson made the following motion:

WHEREAS, the Council of the City of Lynchburg has convened a closed meeting on this date, pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act; and

WHEREAS, Section 2.2 3712 of the Code of Virginia requires a certification by City Council that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Lynchburg certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by Council.

The motion was seconded by Councilmember Nelson, and Council, by the following recorded vote, adopted the motion:

Ayes: Dolan, Helgeson, Nelson, Tweedy, Wilder, Faraldi 6

Noes: 0

Absent: Wright 1

// The meeting was recessed at 5:39 p.m.

// City Council reconvened the meeting at 7:30 p.m. The following members were present:

Present: MaryJane Dolan, Jeff S. Helgeson, J. Randy Nelson, Treney Tweedy, Sterling A.

Wilder, Chris Faraldi 6

Absent: Beau Wright 1

Councilmember Faraldi gave the Invocation, followed by the Pledge of Allegiance.

June 28, 2022

// In the matter of Community Development, Agenda Item #4, a public hearing was held and Council considered adopting a Resolution #R-22-041 approving the FY 2023 Annual Action Plan for the Community Development Block Grant (CDBG) and HOME Program. Ms. Melva Walker, Grants Manager, gave a summary of the item to Council. The Department of Housing and Urban Development (HUD) requires local governments, which receive federal Community Planning and Development (CPD) formula block grant funds, to prepare an Annual Action Plan as a component of the approved 2020-2024 Five-Year Consolidated Plan. The Plan outlines the City's needs, goals, and objectives for community development (both housing and non-housing areas). The Plan has been prepared and is comprised of the required components, including the CDBG and HOME projects that will be implemented during the program year to address the identified needs and objectives. On May 21, a public notice was published in The News and Advance stating that a draft of the proposed Program Year 2022 (FY 2023) Annual Action Plan was available for public review for a 30-day comment period and that City Council would be conducting a public hearing on June 28 to receive public comments regarding the Program Year 2022 (FY 2023) Annual Action Plan. The advertisement for the Annual Action Plan included the projects recommended by City Council at the March 22 meeting. Notably, the neighborhood projects approved for implementation included Jefferson Park improvements, Timber Ridge Hill Pedestrian improvements, housing rehabilitations within the Diamond Hill and Dearington neighborhoods, and the development of affordable rental and home-ownership housing units. City staff has not yet received any public comments regarding the draft Plan. City Council and citizen comments received at the public hearing regarding the contents of the Annual Action Plan will be incorporated into the final document and submitted to HUD for approval.

There was no one to speak in favor or opposition, either by phone, email, or in-person, so the public hearing was closed and the matter rested with Council.

Councilmember Wilder made a motion, seconded by Councilmember Nelson, to approve the Resolution #R-22-041 approving the FY 2023 Annual Action Plan for the Community Development Block Grant (CDBG) and HOME Program.

With no discussion from Council, the following vote was recorded:

Ayes: Dolan, Helgeson, Nelson, Tweedy, Wilder, Faraldi

6

June 28, 2022

|                |   |
|----------------|---|
| Noes:          | 0 |
| Absent: Wright | 1 |

// In the matter of Planning, Agenda Item #5, a public hearing was held and Council considered adopting a Resolution #R-22-042 approving the CUP to allow the construction of a lighted sports complex at Liberty Christian Academy. Ms. Rachel Frischeisen, Planner II, provided a brief summary to Council. Liberty University, Inc. has submitted a CUP petition to allow the construction of a four thousand, one hundred twenty-one (4,121) lighted multi-sport athletic complex at 1120 Hershey-Esbensshade Drive in an IN-2, Institutional 2 District. Ingress / Egress improvements to support the facility are proposed at 701 Mountain View Road. On March 14, 2017, Council approved a CUP petition to allow a larger, six thousand (6,000) seat facility; however, the CUP has since expired. City Council previously was briefed on this item at the June 7, 2022 work session, and on May 11, 2022, the Planning Commission recommended approval (5-0) with 1 vacancy and 1 member absent, Johnson, of the CUP petition. The Planning Division recommended approval of the CUP petition.

There was no one to speak in favor or opposition, either by phone, email, or in-person, so the public hearing was closed and the matter rested with Council.

Councilmember Helgeson made a motion to adopt the Resolution #R-22-042, approving the CUP to allow the construction of a lighted sports complex at Liberty Christian Academy, seconded by Councilmember Wilder. Councilmember Helgeson asked why this item was brought back before the Council. Ms. Frischeisen said that CUPs were valid in the case of an institution for 36 months, and this was to essentially renew that CUP. Councilmember Helgeson asked if a CUP was still required under the IN-2. Ms. Frischeisen said yes, an arena was one of the only uses that was not by-right in an institutional district. Councilmember Helgeson clarified that while he taught at Liberty University and was affiliated with a group, there was no conflict in his objectivity of interest in that this was a different institution. Ms. Frischeisen clarified that this was a project for LCA, a high school, but was on property belonging to Liberty University.

With no further discussion from Council, the following vote was recorded:

|  |   |
|--|---|
| Ayes: Dolan, Wright, Helgeson, Nelson, Tweedy, Wilder, Faraldi | 6 |
| Noes:  | 0 |

Absent: Wright

1

// In the matter of planning, Agenda Item #6, a public hearing was held and Council considered adopting a Resolution #R-22-043 approving the CUP to allow the expansion of Spring Hill Cemetery located at 1550 James Street. Ms. Frischeisen gave a brief summary of the item to Council. Spring Hill Cemetery Association has submitted a CUP petition proposing the expansion of the existing cemetery. The expansion would include enlargement of the existing columbarium, new columbarium walls, a cremation garden, new burial plots and a new vehicular egress to Stadium Road. The property is zoned R-3, Medium-Density Residential District which allows cemeteries upon approval of a CUP by City Council. On May 11, 2022, the Planning Commission recommended approval (4-0), with 1 vacancy and 2 members absent, Bowden, Johnson, of the CUP petition. The Planning Division recommended approval of the CUP petition.

Mayor Dolan opened the floor to receive input from citizens. Mr. Eames Power, Secretary-Treasurer of the Spring Hill Cemetery Association said that he represented their nonprofit organization to request approval of the petition for the Conditional Use Permit for expansion of their burial space within the existing cemetery. He explained that the proposed work was in the southeastern portion of the existing cemetery and would include modeling and expansion of the existing columbarium, creation of a new columbarium with interment garden, and creation of additional grave space for traditional interments. There would be two new drives created, with one leading to Stadium Road and the other leading to James Street, and these two drives would be gates at the public street and were to be opened as exit drives at other funerals that occurred in this area of the cemetery. He said that the cemetery had continuously served the needs of the Lynchburg community since its first burial in 1855, and they currently had over 15,700 interments in the cemetery. He said that it was the Association's intention to remain an active cemetery and continue their tradition and history of service to Lynchburg families into the next century, and the petition today was part of their plan to meet those needs.

A letter addressed to City Council in support of the proposal and previously furnished to the Clerk of Council by the surrounding neighbors of the property was read into the record.

A letter addressed to City Council in support of the proposal, previously furnished to the Clerk of Council by the surrounding neighbors of the property was read into the record. (Kathy Thompson, 1609

June 28, 2022

Shaffer St.; Annette Burford, 1611 Shaffer St.; Latrinda Burford, 1611 Shaffer St.; Luther Richards, 1611 Shaffer St.; Amber Jennings, 1660 Callaham St.; James Stewart, 1540 Gordon St.; Ronnie Mayberry, 1604 Callaham St.; Wilbert Ward, 1802 Shaffer St.; Carolyn Williams, 1802 Shaffer St.; Mary Mayberry, 1604 Callaham St.; Alan Brooks, 1590 Blackburn St.; Kenneth McCormick, 1500 Blackburn St.; Nancy McCormick, 1500 Blackburn St.)

There was no one else to speak in favor or opposition, either by phone, email, or in-person, so the public hearing was closed and the matter rested with Council.

Councilmember Faraldi motioned, seconded by Councilmember Wilder, to adopt the Resolution #R-22-043 approving the CUP to allow the expansion of Spring Hill Cemetery located at 1550 James Street. Councilmember Wilder asked if it was a conflict of interest if he owned a plot in the cemetery. Mr. Freedman said that he believed he could so long as he announced that he was a member of the group of owners of plots there and could participate impartially.

Councilmember Helgeson said that he understood the necessity for the cemetery to expand physically to continue their work in the community. He stated that he still regretted his vote to close the public street in the cemetery, and although some community members approved of the closure, many citizens were surprised afterwards that their local road was closed to them with a fence and no explanation. He said that he would like to see a condition within the CUP that opened Rives Street to the public. He stated that he could not support the CUP without thinking of the citizens that he represented in that area and his responsibility for the closure of that street.

Councilmember Nelson said that it was unfortunate that no members of Council were aware that there were notice issues that resulted in close neighbors being unaware that the public street would be closed until after the fact, and they then came to Council with valid points that Council could not control at that point because the street had already been vacated. He stated that it was improper for the City to impose an expectation of proffers being made by the applicant, because proffers and concessions had to be unilaterally initiated by the applicant and not based on coercion or pressure from the City to do something or refrain from doing something. He clarified that they could not even talk about it from a legal perspective. City Attorney Mr. Matthew Freedman said that was correct, and the conditions must be reasonably related to the use. He said that the City Manager and he could not find how they were related,

so unless the applicant was willing to voluntarily consent to do that, there would be no way to forcefully impose it on them to grant the permit. Councilmember Helgeson said that it was not a proffer, but a condition on the Conditional Use Permit. Councilmember Nelson said that he could understand that. He said that the City still should not be putting pressure on someone to do something in exchange for approval from Council. He said that on its own merits, this was a viable Conditional Use Permit because it was internal to the existing property of the cemetery, and there would be additional access, which should minimize traffic congestion during events.

Councilmember Tweedy stated that she supported the Resolution and appreciated their long-term plan and development.

With no further discussion from Council, the following vote was recorded:

|  |   |
|--|---|
| Ayes: Dolan, Wright, Nelson, Tweedy, Wilder, Faraldi | 5 |
| Noes: Helgeson                                       | 1 |
| Absent: Wright                                       | 1 |

// In the matter of Planning, Agenda Item #7, a public hearing was held and Council considered adopting Resolution #R-22-044 approving the CUP to allow the construction of a gymnasium and classroom addition at New Vistas Schools located at 520 Eldon Street. Ms. Frischeisen gave a brief summary of the item to Council. New Vistas School is petitioning for a CUP at 520 Eldon Street to allow the construction of a six thousand two hundred sixty-two (6,262) square foot building to be used as a gymnasium and classroom space in an R-3, Medium-Density Residential District. There was no proposed increase in student enrollment. On April 27, 2022, the Planning Commission recommended approval of the CUP Petition. The Planning Division recommended approval of the CUP Petition.

Mayor Dolan opened the floor to receive citizen input. Ms. Laurie England, head of the New Vistas School, addressed the Council. She said that the school was a nonprofit that served over 600 children in the area who had attention and learning issues, and this new building would enhance their curriculum specifically with the addition of two new science labs, an art room, and the half-court gymnasium.

There was no one to speak in favor or opposition, either by phone, email, or in-person, so the public hearing was closed and the matter rested with Council.

June 28, 2022

Councilmember Helgeson motioned, seconded by Councilmember Faraldi, to approve the Resolution #R-22-044 approving the CUP to allow the construction of a gymnasium and classroom addition at New Vistas School located at 520 Eldon Street.

With no further discussion from Council, the following vote was recorded:

Ayes: Dolan, Wright, Helgeson, Nelson, Tweedy, Wilder, Faraldi 6

Noes: 0

Absent: Wright 1

// In the matter of Public Comment, Citizen Timothy Santiago addressed the Council to state that the matter he had wished to address to Council had been handled appropriately so he had no further remarks.

// In the matter of City Code, Council considered adopting Ordinance #O-22-045 approving City Code amendments for derelict buildings. Council received a brief summary of the item from Community Development Director Mr. Kent White. At the May 24, 2022 City Council meeting, code changes were adopted to address demolition of buildings and clutter, and at the same meeting, Council requested staff bring back the proposed derelict building ordinance with updates to the appeal process. Ordinance A provides the owner of a derelict building with the option to appeal the decision of the City Manager to the circuit court. Ordinance B provides the owner of a derelict building with the option to appeal the decision of the City Manager to City Council.

Councilmember Helgeson motioned, seconded by Councilmember Wilder, to adopt Ordinance B. Councilmember Helgeson said that he approved of having the City Council be the body of appeal in order to remain apprised of all issues that were had with their own processes and received feedback as elected officials. Councilmember Wilder said that he appreciated having an ordinance to fine-tune the process.

Councilmember Nelson asked City Attorney Mr. Matthew Freedman if the applicant disagreed with City Council under Ordinance B, the ordinance allowed an appeal to circuit court from the City Council's decision. Mr. Freedman answered that it did not provide for it, but if someone were aggrieved and had a due process or takings argument, they would still have the right to go to court over it, irrespective of what appeal process there was in the City. He said that there were benefits of either ordinance, and the benefit of Ordinance B was that City Council was overseeing the administrative

decision made by the manager or staff. He said that the circuit court process outlined in Ordinance A could be done anyway if they had a claim. Councilmember Nelson said that he wanted to confirm that they could not cut off due process to the judiciary. He said that for that reason, he was not inclined to let this Council be an extra step in that process, because if the applicant was truly aggrieved, then the circuit court should be vested at that earlier stage in the process.

Councilmember Tweedy said that she would be in support of going to the circuit court first but appreciated the toolkit for their residents who had invested in their property. She said that it would be more beneficial to have the process be done through the courts in order to be more impartial.

Councilmember Faraldi said that he was more supportive of Ordinance A. At the local level, they should be mindful of the separation of powers, and he would rather dissociate the Council from deciding which property goes and which stayed.

Councilmember Helgeson clarified that the matter could still go to circuit court. He said that their form of local government had a leader who was elected by Council, and if there was a problem with the staff process, the elected officials would hear about it at some point in the future and be able to take some form of action.

Mayor Dolan said that she would support Ordinance A to have the matter heard first by the circuit court.

Councilmember Faraldi made a substitute motion, seconded by Councilmember Nelson, to consider Ordinance A.

With no further discussion from Council, the following vote was recorded:

Ayes: Dolan, Wright, Nelson, Tweedy, Wilder, Faraldi 5

Noes: Helgeson 1

Absent: Wright 1

Mayor Dolan called the vote for the motion to approve Ordinance A.

With no further discussion from Council, the following vote was recorded:

Ayes: Dolan, Wright, Nelson, Tweedy, Wilder, Faraldi 5

Noes: Helgeson 1

Absent: Wright 1

June 28, 2022

// In the matter of City Council, Agenda Item #9, Council had a discussion about amending the City Council's Rules of Procedure to align Mayor and Vice Mayor elections with general elections.

Councilmember Faraldi stated that under Section 4-1(B) of City Council's Rules of Procedure and pursuant to Section 15.2-1400 of the Code of Virginia, 1950, as amended, City Council should consider amending its Rules of Procedure to move its Mayor and Vice-Mayor elections from July to January. Should City Council wish to pursue this amendment, City staff will include it as an amendment when City Council's Rules of Procedure are presented for re-adoption in July 2022.

Councilmember Wilder said that it made sense to make such a change.

Councilmember Faraldi asked when this would be considered. City Attorney Mr. Matthew Freedman answered that staff would prepare a resolution for July 26, 2022. He said that Council had also requested some other changes related to the Rules of Procedure, so that would be brought forward as well to Council. Councilmember Faraldi asked if there was an issue if the rules expired. Mr. Freedman said no, because Virginia recognized the holdover rule, which permitted the mayor to serve as long as necessary until the next mayor was appointed.

Council reached a consensus and directed staff to bring this back for a vote at the July meeting.

// In the matter of the Budget, Item #10, Council considered adopting Resolution #R-22-040 amending the FY 2023 General Fund budget and appropriating funds for the purpose of extending the living wage increase for all part-time and hourly employees and to enhance funds available to impact compression.

Councilmember Wilder motioned, seconded by Councilmember Nelson, to adopt Resolution #R-22-040 amending the FY 2023 General Fund budget and appropriating funds for the purpose of extending the living wage increase for all part-time and hourly employees and to enhance funds available to impact compression.

Councilmember Helgeson said that he would be voting against this motion because of the tax increases and budget surpluses that had been incurred, and this item for part-time and hourly employees should have been included. He said that this money should be returned to the taxpayers.

Councilmember Tweedy said that she would be supporting this item in order to adequately address the equitable pay and compression issues that were occurring along with growth and

development in the City. She stated that it was important to provide wages that kept hourly and part-time staff in place and supported the needs of those citizens.

Councilmember Faraldi asked if there could be information provided regarding the allocations for funding for each department. Ms. Donna Witt answered that it would be based on years of service for each staff member. Councilmember Faraldi asked if that was in every department. Ms. Witt stated that it would be in every City department and based on staff. Councilmember Faraldi said that an individual had emailed him some information related to their experience with compression in their own City department job, which they had worked at for a substantial number of years, and the lack of traction for proposals to alleviate compression ultimately had led them to question their value as a City employee. He asked if full-time staff with significant service in every department would receive an increase in pay. City Manager Benda said that they would, and that information had been provided to Council. He said that the percentage in the budget had not been projected until the very end and was part of the 5% that went unspent last year, so the request was made in order to meet Council's desire to ensure employees were adequately compensated. He said that the implementation of this raise included a 3% general wage increase, and depending on years of service, the compression component in the budget. Councilmember Faraldi said that there was a tax burden in the budget that he had advocated against, and he still recommended there be an offset to the tax raise from the last year. He said that the dollars from certain revenues that did not see a statistical adjustment or equalization, he wanted to ensure that people who had served the City for a long time were able to see the City as a place where they were invested in for the services they offered to the community. He stated that he would continue his support for this measure.

Councilmember Helgeson said that there were spending proposals in the budget that made it more difficult for small businesses to stay afloat. He said that raising these wages to a living wage would force small businesses to compete with those wages.

With no further discussion from Council, the following vote was recorded:

|  |   |
|--|---|
| Ayes: Dolan, Wright, Nelson, Tweedy, Wilder, Faraldi | 5 |
| Noes: Helgeson                                       | 1 |
| Absent: Wright                                       | 1 |

June 28, 2022

// On motion of Councilmember Helgeson, seconded by Councilmember Wilder, Council, by the following recorded vote, elected to hold a closed meeting for to consider appointments to the following boards and commissions: Board of Zoning Appeals, Central Virginia Community College Board, City Employee Appeals Board, Economic Development Authority, Historic Preservation Commission, Martin Luther King, Jr./Lynchburg Community Council, Museum Advisory Board, Region 2000 Services Authority, Youth Services Citizens Board, Airport Commission, Planning Commission, Social Services Advisory Board, Transit Company Board of Directors, and Lynchburg Emergency Planning Committee pursuant to Section 2.2-3711(A)(1.) of the Code of Virginia.

With no discussion from Council, the following vote was recorded:

|  |   |
|--|---|
| Ayes: Dolan, Helgeson, Nelson, Tweedy, Wilder, Faraldi | 6 |
| Noes:  | 0 |
| Absent: Wright   | 1 |

// The meeting was reopened to the public.

// Councilmember Helgeson made the following motion:

WHEREAS, the Council of the City of Lynchburg has convened a closed meeting on this date, pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act; and

WHEREAS, Section 2.2 3712 of the Code of Virginia requires a certification by City Council that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Lynchburg certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by Council.

The motion was seconded by Councilmember Wilder, and Council, by the following recorded vote, adopted the motion:

|  |   |
|--|---|
| Ayes: Dolan, Helgeson, Nelson, Tweedy, Wilder, Faraldi | 6 |
| Noes:  | 0 |

Absent: Wright

1

// On motion of Councilmember Helgeson, seconded by Councilmember Wilder, Council by the following recorded vote appointed the following members to the respective boards and commissions:

Board of Zoning Appeals: City Council recommends the reappointments of William Flint, Dennis Melancon, and Donald Doebler for new 5-year terms ending June 30, 2027.

Central Virginia Community College Board: Justin Hensley to a new 4-year term expiring June 30, 2026.

City Employee Appeals Board: Deborah Power to a new 3-year term expiring June 30, 2025; reappointment of Kraig Cole to a new 3-year term expiring June 30, 2025;

Economic Development Authority: Craig Pettitt to a new 4-year term expiring June 30, 2026; R. Sackett Wood to a new 4-year term expiring June 30, 2026.

Historic Preservation Commission: Reappointment of Tracey Langseth to a new 3-year term expiring June 30, 2025; reappointment of Shanda Horner to a new 3-year term expiring June 30, 2025.

Martin Luther King, Jr./Lynchburg Community Council: Dr. Owen Cardwell to a new 3-year term expiring June 30, 2025; Dr. Brenda Farmer to an unexpired term ending June 30, 2024; Dale Reed to an unexpired term ending June 30, 2024.

Museum Advisory Board: Mark Poole to a new 3-year term expiring June 30, 2025; reappointment of Douglas Lee to a new 3-year term expiring June 30, 2025; Joseph Scott to a new 3-year term expiring June 30, 2025; Clifton Potter to a new 3-year term expiring June 30, 2025; Marjorie Freeman to a new 3-year term expiring June 30, 2025; Cynthia Fein to a new 3-year term expiring June 30, 2025.

Region 2000 Services Authority: Acting Deputy City Manager Kent White

Youth Services Citizens Board: no appointments were made during this time.

Lynchburg Regional Airport Commission: City Manager Wynter C. Benda for an indefinite term; Dan Deter for a new 3-year term expiring December 31, 2024.

Planning Commission: no appointments were made at this time.

Social Services Advisory Board: Katheryne Goodman to an unexpired term expiring September 30, 2025.

Greater Lynchburg Transit Company Board of Directors: Acting Deputy City Manager Kent White

Lynchburg Emergency Planning Committee: Councilmember Chris Faraldi for a new 6-year term ending June 28, 2028.

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|  |   |
|--|---|
| Ayes: Dolan, Helgeson, Nelson, Tweedy, Wilder, Faraldi | 6 |
| Noes:  | 0 |
| Absent: Wright   | 1 |

// The meeting adjourned at 9:03 p.m.

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Clerk of Council

July 26, 2022

// A regular meeting of the Council of the City of Lynchburg was held on the 26th day of July, 2022, at 4:00 P.M. in the Council Chamber, City Hall, MaryJane Dolan, President, presiding. The following Members were present:

|  |   |
|--|---|
| Present: MaryJane Dolan, Beau Wright, Jeff Helgeson, J. Randy Nelson, Treney Tweedy, |   |
| Sterling A. Wilder, Chris Faraldi  | 7 |
| Absent:  | 0 |

// In the matter of Planning, Agenda Item 1, Residential Uses in Commercial Districts, Acting Director of Community Development Mr. Tom Martin provided a summary presentation to the Council. The City has a limited amount of vacant land. With only ten and eight-tenths percent (10.8%) of the City's land zoned for commercial purposes, Council has expressed concern with allowing residential uses in commercial districts.

Councilmember Faraldi asked if there was a standard ratio or best practice for land zoned for commercial use. Mr. Martin said he would research the answer and follow up with the Council. Councilmember Faraldi asked what percentage of the 10% was currently occupied. Mr. Martin said he could follow up with the Council. Councilmember Faraldi asked how many residential developments had been denied in the B zoning districts in the past five years. Mr. Martin responded that he recalled only one or two. Councilmember Faraldi asked where those developments were located. Mr. Martin responded that they had been in the southwest portion of the City. Councilmember Faraldi asked if the conversion of commercial space to residential because long-term vacancy was a recurring problem. Mr. Martin said that it was a concern. Councilmember Faraldi asked how often it happened. Mr. Martin said he did not recall it happening. He said if it was a concern of the Council, then they could require the commercial use be constructed first. Councilmember Faraldi asked how often they enforced set back requirements. Mr. Martin responded that they were enforced all the time, primarily at the site plan review process and time of building permitting.

Councilmember Nelson asked if there was a functional difference between the zoning classifications of urban residential and B-4. Mr. Martin said that the end goal was the same—to allow residential uses without allowing a wide set of commercial uses. He said the urban residential district would have similar parking and set back reductions for an urban site with limits on commercial uses. He

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said if they only used a B-4 zoning, staff may recommend excluding non-residential uses in applications, but they could not dictate proffers. He said creating an urban residential district would simplify the process. Councilmember Nelson asked if staff saw a benefit to creating an urban residential district. Mr. Martin said that staff promoted mixed-use development and wanted to see greater flexibility in the spaces.

Councilmember Helgeson asked for clarification about how to increase business uses. Mr. Martin responded that B-4 zoning had been useful for developers to renovate and redevelop large industrial buildings that had been vacant for years. He said that allowing residential uses in the other B zoning districts provided the Council the option to approve or deny the applications. He said that single-family developments were not happening as often due to land costs and availability. He said if they wanted to curb population growth, they should slow apartment growth. Councilmember Helgeson stated that he wanted to curb the apartment growth. Mr. Martin responded that they should not rezone properties for higher density residential uses and not approve CUPs to limit apartment growth. Councilmember Helgeson clarified that residential uses were only in the B-4 district. Mr. Martin said 50% mixed use was available in the B-3 and B-5 districts by-right, but the first floor had to be commercial uses. He said in the B-4 district, the uses could be any mix of commercial and residential. Councilmember Helgeson clarified that the B-4 was specifically for downtown. Mr. Martin responded that when they changed the zoning to urban commercial, the B-4 zoning was applied to other buildings that were close to downtown but not in downtown. Councilmember Helgeson requested information from 20 years ago about the City's position on commercial property and high-density residential compared to present policies. Mr. Martin responded that 20 years ago, developers were requesting to rezone from low-density residential to commercial because retail uses were booming. Councilmember Helgeson suggested a way to make it more cost effective to construct single-family homes. City Manager Mr. Wynter C. Benda responded that there were ways the City could prepare and construct the infrastructure to incentivize single-family development. Mr. Martin responded that the Council had taken action to incentivize single-family development, which had worked. He said cluster developments were working along with continuing the cost sharing of curb, gutter, and sidewalk.

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Councilmember Wilder asked what the timeframe was for the comprehensive plan. Mr. Martin said they were drafting the proposals to provide to consultants, and they hoped to start the process by the end of the year. Councilmember Wilder asked about the benefits of the comprehensive planning process. Mr. Martin responded that the comprehensive plan would set the vision for the City for the next 20 years. He said that they wanted to review the future land use map to make sure it aligned with the City's goals and objectives.

Vice Mayor Wright asked if the comprehensive plan review would include a consideration of the City's future economic needs. Mr. Martin responded that it could, and they would be working closely with the Office of Economic Development. Vice Mayor Wright asked whether the construction of apartments was driving away commercial development and hurting the City economically. Mr. Martin stated that he had not heard developers complain about apartment construction. He said that in the land use map review, they would consider how much land to dedicate to each use. Mr. Benda said that interest rates were increasing, so advertising more units in the same space was a commercial incentive. Vice Mayor Wright stated that there was a cost to developing apartments. Mr. Martin said that they had to determine the cost to the City, and they would review those costs during the comprehensive plan review.

Councilmember Tweedy asked where incentive funding was sourced. Mr. Martin responded that it came from multiple sources, such as department budgets or other funds. Councilmember Tweedy asked what the cost was for a single-family development of 10 homes. Mr. Martin said that there was a range, and he could provide more information in a follow-up. Councilmember Tweedy asked what the cost was to public services for adding developments. Mr. Martin said that they were considering reviewing residential developments and the impacts they generated since development, such as the number of service calls and traffic generated. Councilmember Tweedy requested a comprehensive review of land use and residential development impact. Mr. Martin said he could begin researching the information.

// In the matter of Water Resources, Agenda Item 2, Lakeside Drive: Second Phase, Water Quality Manager Erin Hawkins provided a summary of the staff report. As the completion of Lakeside Drive bridge and roundabout nears, the City will soon begin the removal of College Lake Dam. This aspect of the project will both mitigate a potential hazard and provide additional opportunities to connect the University

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of Lynchburg and Lynchburg's greenway system. Staff will provide an overview of the progress to date, schedule, construction methodology and expected outcomes.

Councilmember Faraldi asked how they would account for upstream sediment and development. Ms. Hawkins responded that the design had accommodated for the watershed. She said that they were in the early stages of developing a watershed monitoring program. Vice Mayor Wright asked if the sediment was toxic. Ms. Hawkins said the sediment was not harmful. She said that when they performed sediment sample tests, there were elevated levels of chromium which restricted it from residential use. She said that the sediment could be used in industrial uses. She said that a review of the flood plain would happen with the FEMA flood plain map update. Vice Mayor Wright asked when DEQ reviewed the application and project. Ms. Hawkins responded that a review was ongoing from DEQ and the Army Corps of Engineers. She explained the Corps was the primary permitting agency, and the DEQ permits would ride the Corps permits. She said they anticipated receiving permits from the Army Corps of Engineers and the Virginia Marine Resource Commission in mid-September.

Councilmember Nelson asked clarifying questions about how the dam and drainage functioned. Ms. Hawkins explained how the drainage functioned and how the sediment would be impacted. Director of Water Resources Mr. Tim Mitchell explained that they had monitoring resources that notified their phones, and they had weekly dam inspections.

// In the matter of Planning, Agenda Item 3a, Street Renaming Process: Lakeside Drive Bridget to Elliot Schewel, and Dunbar Drive to Principal C.W. Seay, Acting Director of Community Development Mr. Tom Martin provided a summary of the staff report. City Council members have requested information on the possibility of renaming Dunbar Drive as "Principal C.W. Seay Drive" and naming the Lakeside Drive Bridge for Elliot Schewel. City Code Section 35-109 through Section 35-114 provides for the naming or renaming of streets within the City. City Policy provides the process for naming City Owned Properties, Facilities and Structures.

Vice Mayor Wright asked if renaming the private portion of Dunbar Drive would pose a difficulty to drivers. Mr. Martin responded that it would be easier because none of the properties on the street had a Dunbar address.

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Councilmember Helgeson asked if there was anything on Dunbar Drive. Mr. Martin responded that it was behind a school property. Councilmember Helgeson said he was less inclined to support changing the name if people regularly used it. Mr. Martin responded that the school did not have a Dunbar address.

Councilmember Wilder said he supported the name changes to honor the individuals and African-American history.

Vice Mayor Wright clarified that part of the request to rename Dunbar Drive came from the Dunbar High School alumni community.

Councilmember Tweedy asked if the private section was the only portion requested to be renamed. Mr. Martin responded that the request did not specify which portion. Councilmember Tweedy clarified that the private addresses on Dunbar Drive would have an address change; Mr. Martin replied yes. Councilmember Tweedy requested to hear from the applicant about their intents for renaming.

Councilmember Helgeson said they should reach out to the impacted residents. Mr. Martin said that if the applicant were interested in renaming the whole street, they would reach out to the private owners. Councilmember Helgeson said he wanted to discuss renaming the bridge further.

Councilmember Tweedy requested a list of the names of the other bridges in the City, and she requested a list of any recently changed street names.

Councilmember Wilder said he wanted to proceed with the renaming of the Lakeside Drive Bridge and Dunbar Drive.

Vice Mayor Wright stated he supported moving forward with the request.

// In the matter of Planning, Agenda Item 3b, Clayton Avenue Street Vacation, Planner I Ms. Eve Mergenthaler provided a summary of the staff report. Ed Willman of Accupoint Surveying & Design, LLC, on behalf of Kathryn M. and Christopher T. Zabriskie, is petitioning to vacate a portion of Clayton Avenue located between 4013 and 4101 Peakland Place. The right-of-way vacation is proposed to allow the residents to enclose their backyard and assume ownership of the existing paved driveway. The total area of the proposed vacation is approximately two hundred eighty-eight thousandths (0.288) of an acre. The area to be vacated contains a sidewalk and a paved driveway that serves the residences at 4013 and 4101 Peakland Place. The petitioner proposes to allow continued pedestrian access by establishing a five

(5) foot wide public pedestrian access easement that extends the length of the area to be vacated. With the access easement in place, the vacation would not impact vehicle or pedestrian access.

// In the matter of the Airport, Agenda Item 3c, The Hertz Corporation Lease Agreement, Airport Director Mr. Andrew La Gala provided a summary of the staff report. In September 2020, The Hertz Corporation elected to discontinue operating from the Lynchburg Regional Airport and ceased all rental car transactions due to a bankruptcy filing. The Hertz Corporation previously conducted business at the Lynchburg Regional Airport since 2004. Earlier this year, The Hertz Corporation expressed a renewed interest in operating from the airport once again. Due to the current airline industry environment and rental car business trends, this agreement will be in effect with a month-to-month term. An addendum to the existing concession agreements with the airport's other three rental car operators – Enterprise, Avis and Budget – will be executed concurrently in order to keep all terms and conditions consistent.

// In the matter of City Council, Agenda Item 3d, Organizational Meeting, Clerk of Council Ms. Alicia L. Finney provided a summary presentation to the Council. Section § 15.2-1416 of the Code of Virginia and Section § 2-6 of the City Council's Rules of Procedure provide that each year the local governing body shall prescribe by resolution the schedule of meeting dates, times, and places for the upcoming year. City Council's schedule of meetings and work sessions is set forth in its rules of procedure under Section § 2-1. Meetings shall be held in the City Council Chamber, on the first floor in City Hall, as follows: Second and fourth Tuesday of the month, at 4:00 p.m. There will be no regular meeting on the fourth Tuesdays during the months of July, August, and December. As such, City Council's Rules of Procedure should be readopted to confirm City Council's schedule of regular meetings and work sessions for the upcoming year. Additionally, Councilmembers and City staff have identified necessary amendments to the rules of procedure outlined below:

**Clerical Revisions**

- Grammatical and formatting changes
- Uniform language changes
- Modernization of terminology changes
- Section 2-6, Subsection A, biennially to annually to align with State Code Section § 15.2-

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- Previously agreed upon changes directed by Council (e.g. removal of “Deputy Clerk”; addition of Public Comment Agenda Delivery; and Mayor/Vice Mayor Elections being moved to January vs. July)

**Proposed Councilmember Amendments for Discussion**

- Councilmember Conduct – Mayor Dolan (Section § 3-4. Preservation of Order)
- Prohibiting harassment toward Councilmembers, staff, and/or general public – Mayor Dolan (Section § 5-4. Prohibited Conduct)

Councilmember Faraldi asked what constituted harassment. City Attorney Mr. Matthew Freedman responded that it would be the dictionary definition or common-sense definition of harassment.

Councilmember Nelson said that a definition of harassment would have to include a consideration of the intent of the speaker to harass an individual.

Councilmember Helgeson said that he agreed with Councilmember Nelson. He said that the harassment rule should be removed.

Mayor Dolan said that she was fine removing the harassment section.

Councilmember Tweedy asked when harassment would cross the line into criminal behavior.

Mr. Freedman said that item 6, which limited interruptions to other speakers and behavior that disrupted the meeting, could include the conduct referenced by Councilmember Tweedy. He said that other rules limited rude or demeaning language. He said if speakers breached the rules, law enforcement could remove the speaker.

Councilmember Tweedy asked what would happen if the harassment extended to social media. Mr. Freedman said that if the comments only insulted or demeaned the councilmembers on their political social media, then the comments could be removed. He said that the Council would not have control of the moderation of other forums.

Councilmember Faraldi asked if the rules applied outside of the Council Chambers.

Mr. Freedman stated that the rules were specific to the Council Chambers. He explained that the Council had a greater control over meeting proceedings to ensure they went uninterrupted.

Councilmember Faraldi asked for an explanation of the grammatical change from "must" to "should" in §1-2b. Mr. Freedman stated that the rules were not mandatory. Councilmember Faraldi asked

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who had discretion to determine when the rules applied. Mr. Freedman said that if the word were not changed to "should", the effect would be the same. He said that the rules of procedure were not intended to be entirely prescriptive. He said that the Council chose how to conduct its meetings, and it could take a vote to deviate from the rules of procedure.

Councilmember Helgeson said that the word "must" should be used for the speaking section of the rules to protect the interests of the minority opinion.

Councilmember Faraldi said the word should be "must" or "shall". Mr. Freedman said that he did not see an issue with leaving the word as "must". He said that the rules would not prevent a majority of the Council from deviating from the rules. City Manager Mr. Wynter Benda responded that the Council would take action on the rules of procedure and the 2023 calendar at the evening session. He said that changes had been proposed to the meeting dates because of the impacts of the census, and he provided an overview of the proposed changes to the calendar.

// In the matter of Roll Call, Agenda Item 4, Councilmember Tweedy requested a report from the Commonwealth Attorney's Office and the police department with information on the strategies for combating gun violence, how guns were getting onto the street, the number of unsolved murders, messaging around gun violence, resources to public safety, and the impacts on economic development. Councilmember Helgeson reported the Finance Committee met and discussed ways to alleviate tax burdens on Lynchburg residents. Councilmember Wilder announced that the Commonwealth Games were recently hosted in the City. Mayor Dolan announced that Co-Starters program had returned, and applications were open online.

// On motion of Councilmember Faraldi, seconded by Councilmember Wilder, Council, by the following recorded vote, elected to hold a closed meeting to review and/or evaluate the performance of the City's Clerk of Council, pursuant to Section 2.2-3711(A)(1) of the Code of Virginia, 1950, as amended.

With no discussion from Council, the following vote was recorded:

Ayes: Dolan, Wright, Helgeson, Nelson, Tweedy, Wilder, Faraldi 7

Noes: 0

// The meeting was reopened to the public.

// Councilmember Helgeson made the following motion:

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WHEREAS, the Council of the City of Lynchburg has convened a closed meeting on this date, pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act; and

WHEREAS, Section 2.2 3712 of the Code of Virginia requires a certification by City Council that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Lynchburg certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by Council.

The motion was seconded by Vice Mayor Wright, and Council, by the following recorded vote, adopted the motion:

Ayes: Dolan, Wright, Helgeson, Nelson, Tweedy, Wilder, Faraldi 7

Noes: 0

// The meeting was recessed at 6:51 p.m.

// City Council reconvened the meeting at 7:30 p.m. The following members were present:

Present: MaryJane Dolan, Beau Wright, Jeff S. Helgeson, J. Randy Nelson, Treney Tweedy,  
Sterling A. Wilder, Chris Faraldi 7

Absent: 0

Vice Mayor Wright gave the Invocation, followed by the Pledge of Allegiance.

// In the matter of Recognitions, Mayor Dolan recognized Ms. Virginia Trost, E.C. Glass Salutatorian. Ms. Trost was in attendance to accept.

// In the matter of Recognitions, Vice Mayor Wright recognized Dr. Reid A. Wodicka for his years of service to the City of Lynchburg. Dr. Wodicka was in attendance to accept.

// In the matter of Consent Agenda Item A, copies of the March 8, 2022 City Council meeting minutes were previously furnished to the Council, and on motion of Councilmember Wilder, seconded by Councilmember Tweedy, the following vote was recorded:

Ayes: Dolan, Wright, Helgeson, Nelson, Tweedy, Wilder, Faraldi 7

Noes:

0

// In the matter of Planning, Agenda Item #6, a public hearing was held and Council considered adopting Ordinance #O-22-046, approving the rezoning petition of 2237 Rivermont Avenue from R-3, Medium Density Residential District to R-4, High-Density Residential District. Council was previously briefed on this item at the June 28, 2022 City Council meeting. Ms. Rachel Frischeisen gave a brief summary of the item to Council. Brian Freedman, M.D., of Freedman Family Enterprises, LLC, is petitioning to rezone 2237 Rivermont Avenue from R-3, Medium Density Residential District to R-4, High-Density Residential District. The property is currently a nonconforming use with seven (7) apartments. The rezoning would allow the expansion to ten (10) apartment units. On May 25, 2022, The Planning Commission recommended denial (5-0), with 1 member absent, Marion, and one vacancy, of the rezoning petition, citing concerns that it would set a precedent for similar nonconforming rezonings in the area. The Planning Division recommended denial of the rezoning petition.

Mr. Brian Freedman stated that he was the petitioner of the request, and the purpose of the rezoning was to add a maximum of three additional units to the property by finishing the unfinished phase, using that space to recoup the substantial cost of renovating the building, as well as creating an off-street parking lot and three additional on-street parking spots for citizens to use in the immediate area. He said that the Council had heard the reasons for denial as well as the reasons for approval, notwithstanding the fact that the R-4 zoning was applicable in the City's adopted Future Land Use Map as well as the City having three additional parking spaces on the street which were currently not present. He said that the decision tonight was to support a property in need of renovation and the creation of high-quality rental housing, as well as increased tax revenue and neighborhood infrastructure. He said that they had the choice to support decline and decay and poor-quality rental housing. He said that they had the choice to invest in someone who was a local citizen and worker who was investing in the local property. He said that the City had supported other initiatives in the area that led to the beautification of the area, as well as increased public use of the entire area as well, and he hoped they would do so again by voting for approval of this rezoning.

Mayor Dolan asked if there were any speakers in person or by email.

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Clerk of Council Ms. Alicia L. Finney stated that there was one email in support received from Brett Schiller at 2124 Rivermont Avenue, which she read into the record.

Mayor Dolan closed the public hearing and the matter rested with Council.

Councilmember Helgeson said that there were many benefits to allowing the rezoning, most importantly that it would assist in the greater improvement of the neighborhood. He motioned, seconded by Councilmember Wilder, to approve the rezoning of the property.

Councilmember Wilder said that he grew up in the neighborhood that the building was located in, and had recently received a tour of the building, which was in need of substantial renovations. It was great that Mr. Freedman wanted to invest that money in the community in Ward 2, as well as maintaining the historic nature of the property.

Councilmember Nelson stated that he agreed with Dr. Freedman's initiative and would be supporting the rezoning. He said that in looking at the plans for the property, there was no question that the completion of the proposed project would enhance the value of all of the properties adjoining it in the neighborhood.

Councilmember Tweedy said that seeing the buildings along this road becoming repurposed had been a great success. She said that the condition of the building was disappointing, and Dr. Freedman had assisted in helping the former residents find better housing stock. She stated that she would be supporting the rezoning for the project and looked forward to the opening of the apartments.

Mayor Dolan said that she also visited the site with Dr. Freedman, and she thanked him for his initiative and vision to move forward with this project that was so important to the neighborhood. She stated that she would also be supporting this project.

Vice Mayor Wright said that he would also be supporting the rezoning. He thanked Dr. Freedman for taking the time to work through the process and with members of City staff. He thanked the Planning Commission for their commitment and time in working on this case.

Councilmember Faraldi said that he also met with Dr. Freedman for this project and looked forward to supporting the project.

With no other discussion from Council, the following vote was recorded:

Ayes: Dolan, Wright, Helgeson, Nelson, Tweedy, Wilder, Faraldi

7

Noes:

0

// In the matter of Planning, Agenda Item #7, a public hearing was held and the Council considered adopting a Resolution #R-22-047 and Ordinance #O-22-048 amending the Future Land Use Map from Community Commercial to Medium Density Residential and to rezone approximately one (1) acre from B-1, Limited Business District to R-3, Medium Density Residential District at 620 Leesville Road. The Council was previously briefed on this matter at the June 28, 2022 work session Business Item Briefing. Ms. Frischeisen provided a brief summary of the item to Council. KAL Holdings, LLC is petitioning to amend the Future Land Use Map (FLUM) from Community Commercial to Medium Density Residential and to rezone approximately one (1) acre from B-1, Limited Business District to R-3, Medium Density Residential District at 620 Leesville Road. If approved the property would be developed as four (4) duplexes. On June 8, 2022, the Planning Commission recommended approval (5-0), with one member absent, Light, and one vacancy, of the FLUM Amendment and rezoning petition. The Planning Division recommended approval of the FLUM Amendment and rezoning petition.

Mr. Norm Walton of Perkins and Orrison, representing the petitioner, stated that this property had been undeveloped for a long time, so this was an opportunity to develop it to be in character with the other developments along Leesville Road. City staff worked with the petitioner to ensure the ingress and egress was considered, as there was an existing driveway adjacent to the store there that served several houses, and another entrance had been added so that there would be access to all the duplexes.

There was no one to speak in favor or opposition, so the public hearing was closed and the matter rested with Council.

Vice Mayor Wright made a motion to adopt the Resolution #R-22-047 and Ordinance #O-22-048, seconded by Councilmember Nelson.

Councilmember Faraldi said that he would be voting in opposition to this measure due to concerns raised by community members about this type of housing and the compactness of the proposal, which should be kept in mind as the area continued to develop out.

Councilmember Wilder asked what the Planning Commission noted as reason for recommendation of approval. Ms. Frischeisen answered that the proposal fit within the neighborhood and the land had yet to be developed, so the Planning Commission felt it would be appropriate.

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Councilmember Wilder asked if neighbors had discussed the proposal. Ms. Frischeisen said that neighbors had attended the public hearings, but she did not think anyone spoke. Councilmember Wilder asked for clarification that no one spoke in opposition at the public hearings; Ms. Frischeisen said no.

Mayor Dolan asked if the neighborhood had duplexes in the near vicinity of the property. Ms. Frischeisen said yes, it was noted by a Planning Commissioner that there were duplexes in the area that looked nice, so they felt it was appropriate.

Councilmember Helgeson asked if there had been any discussion about single-family houses being placed there rather than duplexes. Ms. Frischeisen said no, there had not been, and the petitioner's request was not countered with such a proposal. Councilmember Helgeson asked how many duplex units there would be. Ms. Frischeisen said that there would be four duplexes for a total of eight units, and the property would be combined with another owned property that was already zoned R-3. Councilmember Helgeson asked how many duplexes could exist only on the 620 Leesville Road property by right. Ms. Frischeisen said that there could be no duplexes in the B-1 district. Councilmember Helgeson asked for clarification that there could be no duplexes put on this property by right. Ms. Frischeisen said that they could not do so by right. Councilmember Helgeson asked if this item could be denied as a rezoning and return for a Conditional Use Permit. He said that they must be cognizant of where high-density living was placed in areas of growth, because it could be impactful when cumulatively placing multiple units in a small area. He stated that a CUP would be more appropriate, and putting in eight units would be deleterious to the neighborhood.

Councilmember Tweedy said that she had concern about the number of units proposed in an area that was developing so quickly, but also recognized how the development fit into the character of the development of the neighborhood and that the applicant was attempting to keep the same zoning between the two lots that they owned. She said that she would be open to learning more about the impacts and was not opposed to approving the rezoning.

Councilmember Wilder stated that the City was growing, and they must have a deeper conversation about how they wanted their City to grow and if they must limit the development and growth. He said that many developers built apartments because of the higher profit margins compared to single-family houses, so if they wanted those developers to do so, they must incentivize that building. He said

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that they should not penalize the applicant, and if the property had been vacant, they must decide if the use was better than leaving the property vacant. He stated that he supported the rezoning.

Councilmember Tweedy asked how many other apartment development projects were due to appear before Council this year. Mr. Tom Martin stated that with the projects currently being proposed or submitted, they could potentially be seeing upwards of 2,000 units coming online in the next year to two years. Councilmember Tweedy said that she would like to see that conversation come to the Council first before approving those developments through the Planning Commission and Council processes. She said that the Council should have all the information on how to incentivize developers to build single-family homes. She stated that she was not opposed to this project, but the vote should encompass their plan for the future development of the City.

With no further discussion from Council, the following vote was recorded:

Ayes: Dolan, Wright, Nelson, Tweedy, Wilder 5

Noes: Helgeson, Faraldi 2

// In the matter of Redistricting, Agenda Item #8, a public hearing was held and Council considered approving an Ordinance #O-22-049 approving either Scenario A or Scenario D as the ward and precinct boundaries. The Council was previously briefed on this matter at the June 28, 2022 City Council work session on redistricting. Mr. Tom Martin gave a brief summary of the item to Council. Redistricting is the process of redrawing the boundaries of districts that elect representatives who serve specific geographic areas. Redistricting occurs every 10 years following the United States decennial census and is the responsibility of state and local governments. During the June 28, 2022 work session, City Council directed staff to advertise the ward & precinct boundaries for Scenario A and Scenario D for public hearing. Following the public hearing, City Council may adopt either Scenario A or Scenario D as the ward & precinct boundaries.

A letter from a citizen Mr. Todd Cooper addressed to City Council in support of Scenario D was previously furnished to the Clerk of Council and was read into the record.

A letter from a citizen Mr. Curt Diemer addressed to City Council in support of Scenario D was previously furnished to the Clerk of Council and was read into the record.

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A form email in support of Scenario D was read into the record from the following citizens: Charles Faulconer, Steven Troxel, John Vassar, Marina Guenther, Ricky Templeton, George Harton, Ben Kahle, Susan Stowell, Sherry McCormick-Hawkins, Ted Weigand, Ronald Gillispie, Terry Adams, Charlie Judd, Janice Quattlebaum, Sandra Weigand, Chip Harvey, H. Cary III, Suzanne Chappell, Daniel Pence, Gary Garner, Glenda Frye, William Clough, and Timothy Echols.

Mayor Dolan closed the public hearing and the matter rested with Council.

Councilmember Faraldi made a motion to adopt Scenario D, seconded by Councilmember Nelson. Councilmember Nelson stated that he had been a part of the One Virginia 2021 initiative to end gerrymandering throughout the state, and the Virginia Constitution was successfully amended, although the outcome was challenging in implementing. He said that the principles of that initiative emphasized compactness and contiguity, so it would be hypocritical of him to promote those principles throughout the Commonwealth of Virginia but reject them when redistricting their own City. He said that many social and political evils had been justified and perpetuated on appeal to preserving the convenience of the status quo, and he categorically opposed doing so in this decision. He said that Scenario D aligned their City's wards and precincts in a manner that induced Councilmembers to be more sensitive to a broader constituency rather than focusing on a singular partisan influence. He stated that he supported Scenario D for the integrity and long-term sustainability it would bring to the City's elections and its citizens.

Councilmember Wilder stated that he favored Scenario A. He asked if it was correct that both scenarios met the state requirements. Mr. Martin answered yes, they both met the requirements for wards and precincts. Councilmember Wilder said that he still felt favorable toward Scenario A.

Councilmember Helgeson said that they could make a relatively small change of moving about 1,000 voters, which had been done previously after the 2010 census, and there likely would not be a large change in 2030. He said that he did not want to disrupt the lifelong voters who resided in their wards unless they absolutely had to. He stated that he was in favor of Scenario A due to its limited impact.

Councilmember Tweedy stated that she was in support of Scenario A because of its lack of disruption to voters. She said that the disruption of 9,000 voters was concerning, so she would be choosing the scenario that did not do that.

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Mayor Dolan said that Scenario D may look appealing due to the evenly shaped districts, but it did not exclude the possibility of it being partisan, and clearly moving residents into Ward I to Ward IV could have unexpected consequences of making Ward I noncompetitive in the future. She said that maintaining the status quo was not always a bad thing, especially if that if chosen by its very nature could have long-term effects on voting results. She stated that she supported Scenario A in order to achieve this and to give minimal changes to voters.

Vice Mayor Wright stated that Scenario D did not solve the issue of gerrymandering because it had been created by and endorsed by politicians, and solving gerrymandering would require appointing a citizen board to draw the maps or to create the least distinct amount of change by approving Scenario A. He said that they would have to meet the changes that occurred by 2030 regardless of the mapping changes, and he did not understand the argument that these maps could create some sort of evil. He said that he did not agree that if people did not know how to vote they should not be trusted to do so, because their job as government was that people had as little barriers as possible to exercising their right to vote. He said that he opposed Scenario D and supported Scenario A because it was least disruptive and had confidence in its source.

Councilmember Nelson stated that Scenario D did not create barriers to voting, and actually better located polling places to be accessible. He said that gerrymandering was not changing polling places or precincts but was drawing boundary lines of precincts in a way that took people out of one and into another so as to affect the outcome and voice of those speaking, to minimize the impact of a majority and give greater voice to a minority. He stated that Scenario D satisfied the eyeball test and was an un-gerrymandered configuration of the wards.

With no further discussion from Council, the following vote was recorded:

Ayes: Nelson, Faraldi 2

Noes: Dolan, Wright, Tweedy, Helgeson, Wilder 5

Councilmember Helgeson motioned, seconded by Councilmember Wilder, to approve Scenario A.

Councilmember Faraldi said that gerrymandering was the making a decision for a legislative district based off of the representation changing. He said that there were some changes where one

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precinct went from one district to another, but that should not be counted into the total impact of voters. He said that districts needed to be compact and contiguous, and Scenario A was not equivalent in population the way that Scenario D was, and in fact split developments in half. He said that these maps were drawn this way because of the splits from approximately 12 years ago and upheld that way because of the way state legislature drew the maps. He said that he preferred the more even divisions regardless of the political implications, and Scenario D spoke effectively to this matter.

Councilmember Helgeson said that his primary concern was minimizing impact to the voters, and he looked forward to the Council moving on to the next part of implementation of this process.

With no further discussion from Council, the following vote was recorded:

Ayes: Dolan, Wright, Helgeson, Tweedy, Wilder 5

Noes: Nelson, Faraldi 2

// In the matter of Public Comment, Mr. Timothy Santiago previously signed up to speak to City Council but was not in attendance.

// In the matter of City Council, Agenda Item #9, the Council considered adoption of a Resolution #R-22-050 approving City Council's Rules of Procedure. The Council was last briefed on this item at the July 26, 2022 work session Business Item Briefing.

Vice Mayor Wright asked if the language proposed to be removed from the Resolution had been updated. Clerk of Council Ms. Alicia L. Finney answered that the information in the Council packet would be updated to reflect those changes but had not yet occurred. Vice Mayor Wright asked if Ms. Finney could summarize the items. Ms. Finney answered that it was from §5.4(A)7 of the Prohibited Conduct, there would be removal of language that addresses "or harasses," specifically, and revert the clerical revision in §1.2(B) of the Basic Principles of the Underlying Rules of Procedures that would say "the Council's Rules of Procedures must be followed consistently."

Councilmember Helgeson asked if the changes regarding the calendar were included. City Manager Mr. Wynter C. Benda answered that the July and August changes had been notified, and he proposed September 13 or 27, of which the 13<sup>th</sup> seemed most amenable to Lynchburg City Schools as a joint meeting. He said that it would be held at 4:00 p.m. at the Lynchburg Regional Business Alliance, and a fall retreat was proposed for October 7. He said that in November, the second and fourth Tuesdays had

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been changed to the first and third Tuesdays, the first being a voting meeting and the third being a legislative dinner. Ms. Finney stated that in the Rules of Procedure, it addressed the calendar for 2023, and the other dates would require the Council's approval.

Vice Mayor Wright motioned, seconded by Councilmember Helgeson, to approve the Rules of Procedures with the changes made.

With no further discussion from Council, the following vote was recorded:

Ayes: Dolan, Wright, Helgeson, Nelson, Tweedy, Wilder, Faraldi 7

Noes: 0

// In the matter of City Council, Agenda Item #10, Council considered adopting a resolution condemning violence perpetrated against Blue Ridge Pregnancy Center.

Councilmember Faraldi motioned, seconded by Councilmember Helgeson, to adopt the resolution.

Councilmember Faraldi stated that this resolution gave Council the opportunity to fully condemn the actions against the individuals who vandalized the Blue Ridge Pregnancy Center, and also ensured that anyone had the right to protest peacefully in Lynchburg.

Councilmember Helgeson said that he was glad to see that people were there to clean up the next day and was glad to support the Resolution.

Councilmember Nelson said that the City of Lynchburg had laws that prohibited the behavior that was perpetrated against the property of the Blue Ridge Pregnancy Center. He said that condemnation of such crimes was one of the purposes inherently encompassed in their criminal laws, and if City Council were to pass resolutions condemning criminal behaviors whenever and wherever they occurred, they would be burdening staff and their time in an exercise that duplicated the role of law enforcement personnel and the judiciary. He stated that he would rather their taxpayer funds be directed to pursuits that fell within the legal authority and purpose of City Council. He said that while the damage to the Blue Ridge Pregnancy Center violated core American principles, the Resolution would set a bad precedence when criminal actions were being investigated and prosecuted by the City's law enforcement personnel, and for those reasons he would not be supporting the Resolution.

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Councilmember Helgeson said that he appreciated the City's law enforcement and groups who peacefully protested in the City. He reiterated that he supported the resolution.

Councilmember Tweedy said that she would not be supporting the resolution. She said that in talking to citizens about violence in Lynchburg and the ways to stop those violent acts in the community, it had been suggested that the City form a human rights commission to look into the issues of what the City condoned and did not condone, and what groups or issues deserved the City's support. She said that this issue deserved the opportunity for citizens to come together and discuss the acts of violence and the solutions to them. She said that a larger approach to the topic was necessary to bring people together and view the issues of human rights in the City to ensure all organizations were respected and protected.

Councilmember Wilder stated that there were many resolutions the City Council could make, including apologizing for past City Council resolutions that segregated public facilities in the City, or a Resolution to recognize the shootings of young people in the City. He said that vandalism occurred to many businesses and nonprofits, and such violence should be stood against completely through a group such the human rights commission suggested by Councilmember Tweedy.

Mayor Dolan said that she condemned all types of violence but did not see it fit to create resolutions for every case that they saw.

Councilmember Helgeson said that any of those other topics could be brought forward as resolutions to Council, but what was before Council through this procedure was the Resolution prepared to condemn the vandalism perpetrated against the Blue Ridge Pregnancy Center.

Vice Mayor Wright said that he and his colleagues strongly condemned all acts of violence, which was proven through the enforcement of laws and funding of their police department to ensure that crimes were investigated and thoroughly prosecuted. He said that to pass this Resolution would condemn the vandalism against the Blue Ridge Pregnancy Center, but it also would be a comment to the public on the general topic of abortion and how the City Council felt about abortion as an issue, which was why City Council had historically stayed away from making these types of resolutions related to very political issues.

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Councilmember Tweedy said that if the Council was going to begin choosing sensitive topics such as this to bring recognition to, there must be an overarching group of citizens who stated the values of the City and the support of quality of life for the people of the City.

Councilmember Faraldi said that this Resolution was the only form of acknowledgment from Councilmembers of the event that had transpired at the Blue Ridge Pregnancy Center. He said that resolutions acknowledging past actions or violence should be brought forward to the Council in order to begin to come together on those issues. He said that the City Council represented Lynchburg, so it was important for them to vote in order to voice their opinion on this issue.

Councilmember Nelson clarified that his vote against the Resolution would not condone the reprehensible damage, vandalism, and intimidation against the Blue Ridge Pregnancy Center.

Councilmember Wilder said that there were platforms to speak on issues other than at the dais of City Council, and he did not judge Councilmembers for what they chose to do in supporting or not supporting organizations or individuals who experienced violence in the community.

With no further discussion from Council, the following vote was recorded:

Ayes: Helgeson, Faraldi 2

Noes: Nelson, Tweedy, Dolan, Wright, Wilder 5

// On motion of Vice Mayor Wright, seconded by Councilmember Wilder, Council, by the following recorded vote, elected to hold a closed meeting to discuss the performance of specific officers of the City, and to receive/discuss legal advice concerning such officers, pursuant to §§2.2-3.711(A)(1) and 2.2-3711(A)(8) of the Code of Virginia, 1950, as amended.

Ayes: Dolan, Wright, Nelson, Tweedy, Helgeson, Wilder 6

Noes: 0

Absent: Faraldi 1

// The meeting was reopened to the public.

// Councilmember Helgeson made the following motion:

WHEREAS, the Council of the City of Lynchburg has convened a closed meeting on this date, pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act; and

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WHEREAS, Section 2.2 3712 of the Code of Virginia requires a certification by City Council that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Lynchburg certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by Council.

The motion was seconded by Councilmember Nelson, and Council, by the following recorded vote, adopted the motion:

|   |   |
|---|---|
| Ayes: Dolan, Wright, Helgeson, Nelson, Tweedy, Wilder | 6 |
| Noes:   | 0 |
| Absent: Faraldi                                       | 1 |

// The meeting adjourned at 9:48 p.m.

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Clerk of Council

August 23, 2022

// A regular meeting of the Council of the City of Lynchburg was held on the 23rd day of August, 2022, at 4:00 P.M. in the Council Chamber, City Hall, MaryJane Dolan, President, presiding. The following Members were present:

|  |   |
|--|---|
| Present: MaryJane Dolan, Beau Wright, Jeff Helgeson, J. Randy Nelson, Treney Tweedy, |   |
| Sterling A. Wilder, Chris Faraldi  | 7 |
| Absent:  | 0 |

// In the matter of Planning, Agenda Item 1, Dearington Neighborhood Plan, Ms. Anne Nygaard, Planner II, and Mary Mayrose, Executive Director of the Lynchburg Redevelopment and Housing Authority, provided a presentation of the staff report to the Council. The Dearington Neighborhood Plan was developed by City staff and based on input received from the neighborhood at two public events, steering committee meetings, a neighborhood survey, and numerous conversations over the years. The plan effort was modified due to the COVID-19 pandemic and a concern over ensuring the meetings would be inclusive enough with varying comfort levels in gathering. The draft plan recommendations have a focus on City-owned property, programming, and right-of-way, mainly from a recreation and parks perspective with the aim of transforming previously neglected spaces into valuable neighborhood assets that help the Dearington Neighborhood reach its full potential.

Councilmember Helgeson asked if there was a way for residents to eventually own the units. Ms. Mayrose stated that there was a five-year goal to increase the home ownership opportunities. She stated that they were addressing families that required rental housing. She said that they would need to find partnerships to implement a homeownership program.

Councilmember Tweedy asked for clarification regarding the requirements for replacing affordable housing stock. Ms. Mayrose stated that they tried to build a stable foundation for residents and clients that focused on jobs and housing. She said that after residents were secure, they started to look for housing ownership opportunities. Councilmember Tweedy clarified that they needed a certain ratio of rental housing to address demand.

Councilmember Wilder asked for an update regarding the pool that was used as a dump site. Ms. Nygaard explained that in 2014, an erosion scar opened in Jefferson Park that exposed garbage from the previous landfill. She said that probes were placed around the perimeter of the landfill and underground to

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determine the levels of gases. She said that the consultant determined there were no health or safety issues related to the presence of landfill gases. She said that a stormwater project concluded in 2017 to prevent further erosion. Councilmember Wilder asked if they continued to monitor the gases. Ms. Nygaard responded that they gases had not been monitored since 2016. She said that they could perform some surface monitoring to ensure there were no issues. Councilmember Wilder asked if they planned to regular monitor the gases on a schedule. Ms. Nygaard said that they would ask the consultant.

// In the matter of Water Resources, Agenda Item 2, College Park Master Plan, Water Quality Manager Ms. Erin Hawkins provided a presentation of the staff report. The College Park Master Plan serves as a roadmap to connect people, water, and community in the College Park neighborhood. Working with the consultant firm Skeo Solutions, the plan uses a Walkable Watershed approach to craft recommendations for passive recreation, improved pedestrian connectivity to the neighborhood and integrated sustainable practices for handling water flow to reduce flooding and improve water quality. Recommendations also include the provision for learning opportunities that serve to enhance the ecology and natural beauty of the park. This plan is a product of input received from neighborhood residents, citizen members, University of Lynchburg, and City of Lynchburg staff. A Public Open House was held at College Park in Fall 2021 and a survey questionnaire was distributed to the neighborhood by City staff and University of Lynchburg students. After updating City Council, this plan will proceed through the public hearing process for adoption as part of the City's Comprehensive Plan.

Councilmember Faraldi stated that he supported the project.

// In the matter of Planning, Agenda Item 3, Downtown Renewal Project Phase 4, Special Projects Manager Mr. James Talian provided a presentation of the staff report. In 2016 the City began construction to replace 100-year-old water lines in 50 city blocks of downtown. In order to minimize disruption to the downtown business and residential community, whenever water line replacement is scheduled, all other utilities and streetscape features are also upgraded so that the impacted stakeholders will only be disrupted once instead of having a series of interruptions for a variety of different infrastructure updates cumulatively lasting for years. We have steadily progressed through the program. Thirteen of the 50 blocks are complete and another five are currently under construction on Commerce Street. Planning for the next phase of the program has begun. This phase will complete the Main Street segment of the

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program by upgrading or replacing water, sewer, storm, street, sidewalk, streetscape, and traffic infrastructure on five blocks of Main Street between 12th Street and the expressway. A public meeting to discuss the project with the stakeholders is scheduled for late September. Design of this segment would follow this Fall with construction scheduled to begin in late 2023.

Councilmember Faraldi asked for more information about how parking could be handled and what they were doing to offset the issues from congestion in the downtown area. Mr. Talian responded that the parking was different for each block. He said that they were unable to create new parking, but they had partnered to use other available parking in some instances.

Councilmember Wilder asked what the timeframe was for the project. Mr. Talian responded that they intended to start construction late next year, and the timeframe was typically 15 months. Councilmember Wilder asked whether the whole street would be closed. Mr. Talian said they had not reached that level of detail, and they were beginning design next month.

Vice Mayor Wright asked if additional enhancements were planned for the cloverleaf at Route 460. Mr. Talian said they had decided not to do any improvements because there were not many opportunities. He noted there was a significant elevation change, and alternate connections did not seem feasible.

// In the matter of Engineering, Agenda Item 4a, AC Capital Encroachment Franchise Agreement, Mayor Dolan stated that the item would appear before the Council for action on September 27. City Engineer Mr. Lee Newland provided the briefing to the Council. AC Capital, LLC has requested a franchise from the City to allow use of the City's public rights-of-way for the construction, installation, use, and maintenance of certain encroachments in the public rights-of-way of the City at Court Street and 12th Street. In this instance, the encroachment would be for the balconies, building edge, roof overhang/canopy, and gutter/downspouts that would extend over the sidewalk from the upper stories of the building. The attached ordinance and map define the applicable encroachments. The proposed franchise, if granted, would begin October 1, 2022, and expire September 30, 2061, and unless an alternate agreement is negotiated, continue month-to-month thereafter. Given the nature and the length of the grant requested, the City will need to advertise for bids, accept a bid, and hold a public hearing before voting on whether to

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adopt the proposed ordinance. Once advertised, Council would open bids and hold a public hearing on September 27, 2022 in accordance with the following process:

(1) During the work session of City Council's meeting, the Clerk of Council shall publicly open and announce all bids received. The Mayor will then publicly ask if any other bids are to be submitted, and if none, the City Council will vote to accept the successful bid recommended.

(2) During the public hearing portion of City Council's meeting, a public hearing on the successful bidder's franchise ordinance will be held. After the public hearing, a formal motion and vote on the adoption of the successful bidder's franchise ordinance should occur.

Note: If any bids are received on September 27, 2022, during the City Council's work session, then the City Council should table this matter until the next regular meeting date so staff may review the subsequent bid(s) received.

Councilmember Helgeson expressed concerns about the rain downspouts and stated that he did not support the item.

// In the matter of Engineering, Agenda Item 4b, Support of Campbell County SMARTSCALE Application in the City of Lynchburg, Mayor Dolan stated the item would appear before the Council on September 13. City Engineer Mr. Lee Newland provided the briefing to the Council. VDOT has required and Campbell County has requested the City of Lynchburg to support their participation in a SMARTSCALE Application to construct improvements to Timberlake Road from Campbell County into the City of Lynchburg. These improvements are at the intersections of Greenview Drive and Laxton Road. They would extend into the City to connect with the existing streets. Campbell County Board of Supervisors approved their resolution in July. If the application is successful and the funding awarded, design is scheduled to start in August 2025 with construction finishing in June 2032. The anticipated cost is \$22 Million.

Vice Mayor Wright asked if the project would have an impact on the City's SMARTSCALE applications; Mr. Newland responded that it would not.

// In the matter of Community Development, Agenda Item 4c, CDBG/HOME Consolidated Annual Performance and Evaluation Report, Mayor Dolan stated the item would appear before the Council for action on September 27. Grants Manager Ms. Melva Walker provided the briefing to the Council. The U.S. Department of Housing and Urban Development (HUD) requires each jurisdiction receiving HUD-

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administered grants (CDBG and HOME) to draft a CAPER and submit it for public review and comment. The CAPER describes the City's progress towards the housing and community development goals established within the 2020-2024 Consolidated Plan and the PY 2021 (FY 2022) Annual Action Plan. This CAPER is for the period of July 1, 2021 through June 30, 2022. With City Council's approval, the CAPER, including a summary of any public comments, will be submitted to the HUD Richmond Field Office for review to meet compliance regulations for the CDBG and HOME Program. A public notice for the public comment period and public hearing will be published in The News and Advance on Saturday, September 10, 2022.

// In the matter of Planning, Agenda Item 4d, Naming Lakeside Bridge in honor of Rosel and Elliot Schewel, Mayor Dolan stated the item would appear the Council for action on September 13. Acting Director of Community Development Mr. Tom Martin provided the briefing to the Council. The new Lakeside Drive Bridge over Blackwater Creek was opened to traffic on June 17, 2022. The City Policy for the Naming of City-Owned Properties, Facilities, Streets & Structures provides that City facilities may be named for an individual, living or deceased, who has made a significant contribution to the City of Lynchburg.

// In the matter of Budget, Agenda Item 4e, FY 2022 Fourth Quarter/FY 2023 First Quarter Adjustments/Carry Forward Requests for All Funds, Mayor Dolan stated the item would appear before the Council on September 13. Chief Financial Officer Ms. Donna Witt provided the briefing to the Council. The General, City/Federal/State Aid, and Children's Services Act Funds are amended to reflect the FY 2022 Fourth Quarter Adjustments. The General, City/Federal/State Aid, Community Development Block Grant (CDBG), Forfeited Assets, Home Investment Partnerships Program (HOME), Regional Juvenile Detention Center, Technology, Airport, Fleet as well as the City Capital Projects, Schools Capital Projects, and Airport Capital/Grant Projects Funds are amended to reflect the FY 2023 First Quarter Adjustments. Additional Poverty Initiative funds were not adopted in FY 2023. However, with the approval to carry forward the remaining balance Council will need to approve the resolution for the funds to only be spent with the majority vote of City Council.

Councilmember Faraldi asked whether any of the funds were being allocated to new projects or initiatives. Ms. Witt responded that there were no new initiatives.

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// In the matter of Roll Call, Agenda Item 5, Councilmember Helgeson stated the Finance Committee had been discussing a tax refund, and they had considered waiving business license fees up to \$50,000. Councilmember Faraldi welcomed students back to the City; he brought up two traffic concerns identified by citizens and asked if staff would be able to address them. Councilmember Wilder welcomed students back to school; he noted United Way was celebrating its 100th anniversary; he said Ms. Virginia Jefferson had turned 110 years old. Vice Mayor Wright requested staff to recirculate the memo explaining the previous year's surplus. Mayor Dolan wished the students a year of academic success, engaged learning, and future opportunities.

// On motion of Councilmember Wilder, seconded by Vice Mayor Wright, by the following recorded vote, elected to hold a closed meeting to review and/or evaluate the performance of the City Attorney, pursuant to Section 2.2-3711(A)(1) of the Code of Virginia, 1950, as amended.

With no further discussion from the Council, the following vote was recorded:

Ayes: MaryJane Dolan, Beau Wright, Jeff Helgeson, J. Randy Nelson, Treney Tweedy, Sterling

A. Wilder, Chris Faraldi 7

Noes: 0

// The meeting was reopened to the public.

// Councilmember Faraldi made the following motion:

WHEREAS, the Council of the City of Lynchburg has convened a closed meeting on this date, pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act; and

WHEREAS, Section 2.2 3712 of the Code of Virginia requires a certification by City Council that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Lynchburg certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by Council.

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The motion was seconded by Councilmember Wilder, and Council, by the following recorded vote, adopted the motion:

|  |   |
|--|---|
| Ayes: Dolan, Wright, Nelson, Tweedy, Wilder, Faraldi | 6 |
| Noes:  | 0 |
| Absent: Helgeson                                     | 1 |

// The meeting was recessed at 6:34 p.m.

// City Council reconvened the meeting at 7:30 p.m. The following members were present:

|  |   |
|--|---|
| Present: MaryJane Dolan, Beau Wright, Jeff S. Helgeson, J. Randy Nelson, Treney Tweedy,<br>Sterling A. Wilder, Chris Faraldi | 7 |
| Absent:  | 0 |

Councilmember Tweedy gave the Invocation, followed by the Pledge of Allegiance.

// In the matter of Recognitions, Mayor Dolan recognized Ms. Alaysia Oakes, the Valedictorian from Heritage High School, 19-time Track and Field state champion, 5-time Track and Field All-American, and the Indoor and Outdoor Track and Field athlete of the year for Region 3C. She stated that Ms. Oakes would attend Stanford University.

// In the matter of Recognitions, Mayor Dolan recognized Mr. Isaiah Bradner, the Valedictorian from E.C. Glass High School and a Central Virginia Governor's School Ambassador. She stated Mr. Bradner would attend Dartmouth College.

// In the matter of Recognitions, Councilmember Tweedy recognized the Heritage High School Girls Track and Field Team for winning the Indoor Region 3C Championship and the VHSL 3A Indoor Track and Field State Championship. She stated the team won the Outdoor Region 3C Championship and the VHSL 3A Outdoor Track and Field State Championship.

// In the matter of Recognitions, Councilmember Helgeson recognized the Lynchburg Christian Academy Baseball Team for winning the Seminole District regular season championship, the Seminole District co-championship, the Region 3C championship, and the VHSL 3A State Championship.

// In the matter of Recognitions, Vice Mayor Wright recognized the Women in Machining Program Graduates. He stated that 12 graduates of the program completed a 12-week career training program.

// In the matter of the Consent Agenda Item A, copies of the minutes of the March 22, 2022 meeting have been previously furnished to Council, and on motion of Councilmember Helgeson, seconded by Councilmember Wilder, Council by the following recorded vote approved the minutes as presented:

|  |   |
|--|---|
| Ayes: Dolan, Wright, Helgeson, Nelson, Tweedy, Wilder, Faraldi | 7 |
| Noes:  | 0 |

// In the matter of the Consent Agenda Item B, copies of the minutes of the March 24, 2022 meeting have been previously furnished to Council, and on motion of Councilmember Helgeson, seconded by Councilmember Wilder, Council by the following recorded vote approved the minutes as presented:

|  |   |
|--|---|
| Ayes: Dolan, Wright, Helgeson, Nelson, Tweedy, Wilder, Faraldi | 7 |
| Noes:  | 0 |

// In the matter of Planning, Agenda Item 7, a public hearing was held and Council considered adopting Ordinance #O-22-051 approving the right-of-way vacation of a portion of Clayton Avenue, Planner I Ms. Eve Mergenthaler provided the staff report. Ed Willman of Accupoint Surveying & Design, LLC, on behalf of Kathryn M. and Christopher T. Zabriskie, is petitioning to vacate a portion of Clayton Avenue located between 4013 and 4101 Peakland Place. The right-of-way vacation is proposed to allow the residents to enclose their backyard and assume ownership of the existing paved driveway. The total area of the proposed vacation is approximately two hundred eighty-eight thousandths (0.288) of an acre. The area to be vacated contains a sidewalk and a paved driveway that serves the residences at 4013 and 4101 Peakland Place. The petitioner proposes to allow continued pedestrian access by establishing a five (5) foot wide public pedestrian access easement that extends the length of the area to be vacated. With the access easement in place, the vacation would not impact vehicle or pedestrian access.

Mr. Ed Willman, Accupoint Surveying & Design LLC, stated he represented the petitioner. He stated that the petitioner wished the right-of-way to remain open to pedestrians.

Citizen Anne Langley, 4101 Peakland Place, speaking in favor of the petition, requested the Council to support shrinking the right-of-way to five feet. She said that approval would give her the opportunity to enclose her backyard. She said that extending Clayton Avenue would create a dangerous intersection.

Citizen Bob Day, 3856 Peakland Place, speaking in favor, stated that the street did not have much vehicle traffic, but it did have pedestrian traffic. He said that the neighborhood supported the petition.

Citizen Monica Prohinsky, speaking in favor, brought up concerns about whether a future property owner could close off the sidewalk.

City Attorney Mr. Matthew Freedman responded that if the petition were approved, the vacated portion would vacate to the adjacent owners. He said that the vacation would follow the land and apply to future owners. He said that the land could be rededicated to the City.

Clerk of Council Ms. Alicia L. Finney stated that there was one email from Jim Talian, 2609 Hurdle Hill Road, stating his support of the proposal as long as an easement for perpetual usage by pedestrians and bicyclists is reserved by the City.

There was no one else to speak in favor or in opposition, and there were phone calls.

Mayor Dolan closed the public hearing and brought the matter back before the Council.

Councilmember Helgeson motioned, seconded by Councilmember Nelson, to approve the ordinance.

Vice Mayor Wright asked how they determined the five-foot width. Ms. Mergenthaler responded that five feet was the width of the sidewalk. Vice Mayor Wright asked if it was possible to improve the pedestrian crossing. Ms. Mergenthaler responded that it was not possible at the time.

With no further discussion from the Council, the following vote was recorded:

Ayes: MaryJane Dolan, Beau Wright, Jeff Helgeson, J. Randy Nelson, Treney Tweedy, Sterling

A. Wilder, Chris Faraldi 7

Noes: 0

// In the matter of the Airport, Agenda Item 8, a public hearing was held and Council considered adopting Resolution #R-22-052 authorizing a rental car concession agreement and lease agreement with The Hertz Corporation and Dollar Rent-a-Car, Airport Director Mr. Andrew La Gala provided a summary presentation to the Council. In September 2020, The Hertz Corporation elected to discontinue operating from the Lynchburg Regional Airport and ceased all rental car transactions due a bankruptcy filing. The Hertz Corporation previously conducted business at the Lynchburg Regional Airport since 2004. Earlier

this year, The Hertz Corporation expressed a renewed interest in operating from the airport once again. Due to the current airline industry environment and rental car business trends, this agreement will be in effect with a month-to-month term. An addendum to the existing concession agreements with the airport's other three rental car operators – Enterprise, Avis and Budget – will be executed concurrently in order to keep all terms and conditions consistent. There is a statutory requirement for a public hearing prior to leasing City property.

There was no one to speak in favor or opposition, and there were no emails or phone calls.

Mayor Dolan closed the public hearing and brought the matter back before the Council.

Councilmember Faraldi motioned, seconded by Councilmember Wilder, to approve the Resolution, #R22-052.

With no further discussion from the Council, the following vote was recorded:

Ayes: MaryJane Dolan, Beau Wright, Jeff Helgeson, J. Randy Nelson, Treney Tweedy, Sterling

A. Wilder, Chris Faraldi 7

Noes: 0

// In the matter of Public Comment, Citizen Terrick Moyer, representing Lighthouse Community Health Services, spoke about affordable housing needs in the City. He said that the City should utilize existing resources to improve home ownership opportunities. He said that there needed to be a public-private partnership to facilitate home ownership.

// On motion of Councilmember Wilder, seconded by Councilmember Tweedy, by the following recorded vote, elected to hold a closed meeting to discuss a pending petition for temporary injunction and surrounding circumstances, pursuant to Sections §§ 2.2-3711(7) and 2.2-3711(8) of the Code of Virginia, 1950, as amended, and; to discuss the acquisition of specific real estate in the City where open discussion would adversely affect the City's bargaining position, pursuant to Section § 2.2-3711(A)(3) of the Code of Virginia, 1950, as amended.

With no further discussion from the Council, the following vote was recorded:

Ayes: MaryJane Dolan, Beau Wright, Jeff Helgeson, J. Randy Nelson, Treney Tweedy, Sterling

A. Wilder, Chris Faraldi 7

Noes: 0

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// The meeting was reopened to the public.

// Councilmember Helgeson made the following motion:

WHEREAS, the Council of the City of Lynchburg has convened a closed meeting on this date, pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act; and

WHEREAS, Section 2.2 3712 of the Code of Virginia requires a certification by City Council that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Lynchburg certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by Council.

The motion was seconded by Councilmember Faraldi, and Council, by the following recorded vote, adopted the motion:

Ayes: Dolan, Wright, Helgeson, Nelson, Tweedy, Wilder, Faraldi 7

Noes: 0

// The meeting adjourned at 8:57 p.m.

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Clerk of Council

September 13, 2022

// A special called meeting of the Council of the City of Lynchburg was held on the 13th day of September, 2022, at 4:00 P.M. at the Lynchburg Regional Business Alliance, 300 Lucado Place, Lynchburg, VA, 24504. MaryJane Dolan, President, presiding. The following Members of Council were present:

|  |   |
|--|---|
| Present: MaryJane Dolan, Beau Wright, J. Randy Nelson, Jeff Helgeson, Treney Tweedy, |   |
| Sterling A. Wilder, Chris Faraldi  | 7 |
| Absent:  | 0 |

The following Members of the School Board were present:

|  |   |
|--|---|
| Present: James E. Coleman, Robert O. Brennan, Sharon Y. Carter, Randy T. Trost, Kimberly A. Sinha, Atul Gupta, Martin Day, Anthony Andrews, Gloria Preston | 9 |
| Absent:  | 0 |

// Superintendent of Schools Dr. Crystal Edwards introduced the new Deputy Superintendent for Operations and Strategic Planning, Dr. Reid Wodicka, Chief Academic Officer Mr. Sam Coleman, Student Services Director Dr. Derrick Brown, and Chief Financial Officer Ms. Karen Capozzi.

Dr. Edwards stated that children spent 7 hours per day in Lynchburg City Schools, 8 hours per day sleeping, and 9 hours with their families and communities. In August 2021, there were 7,819 students, and August 2022 saw 7,802 students. She said that they had been able to open up one new Pre-K program for each of the past two years, which was essential in allowing the youngest learners to succeed. She noted that there was a waitlist currently for the Pre-K program, signaling the community's interest. Additional programs for high school students included additional courses at the governor's school, additional dual-enrollment college classes, and for the first time were offering seats at the CTE Academy through a partnership with CVCC. The virtual academy that began during the pandemic continued to offer 206 students classes, some of them students who had never been enrolled in the public school system before. She said that there were continued investments in finding talented staff for the schools during the teacher staffing shortage, and the transportation team continued to work hard to ensure that all children were able to attend school. She said that the children were very eager to learn this year, and support of them was well-deserved. She announced that this Friday night was the Jug Bowl, a community event to support their athletes. Initiatives recently taken included the annual Techstravaganza,

September 13, 2022

a state-wide conference, which was a great event. Mr. Scott McLeod spoke about educational principles, and the schools were doing a book study to continue Mr. McLeod's work. In his book it stated that project- and engineering-based learning environments and authentic work were some of the most important things for student learning. Educators had a responsibility to facilitate learning, and this book would help guide the work that leaders must do in order for teachers and parents to work together to help students thrive through learning. She stated that the second initiative they were involved in was VDOE's Bridging the Gap, a learning loss pilot offered to Lynchburg as one of 15 divisions chosen to participate. The learning loss recovery plan included ways to use individualized data from K-8 to help teachers and parents assist students, including individualized learning plans to get students at or above grade level, training for staff, and training for families on how to communicate and work together. Another potential initiative currently being explored were lab schools, which would reduce deficiencies in early literacy by ensuring children were reading at or above grade level by 3<sup>rd</sup> grade, and would enhance engagement in middle school through offering specialized and advanced programs with community partners including CVCC and other local organizations. She stated that last year, data related to the schools was shared in order to explain the current situation so that they could move children's education along a continuum. Their new data showed that their children had outpaced many in the state in terms of learning recovery. She invited all Councilmembers and community members to join them in working together with children and families in this community.

Councilmember Tweedy asked how the virtual academy had attracted homeschooled students. Dr. Edwards said that the virtual program was offered as part of an application for any Lynchburg family who wanted to join the public-school system. She stated that many families found that specific content was the source of not wanting enrollment in public schools, but those families still interacted and held in-person activities for their children to work on projects and form clubs. She said that the virtual program would soon be marketed more to communicate the full extent of services, and it was presented as an option to families to have throughout the time their child was in school.

Councilmember Helgeson asked if the 70 to 100 children mentioned included the 206 in the virtual academy. Dr. Edwards said that the virtual academy students were still assigned to a base school in order to have opportunities for extracurricular activities. Councilmember Helgeson asked if the 206

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students counted in enrollment were counted in the square footage designed for the number of schools and students. He said that those students did not need busing. Dr. Edwards said that those students still required some square footage because they had to take SOL tests in person at school, there were monthly activities for those students, and they participated in extracurricular activities at the school. However, in terms of classroom square footage, they were not counted. Councilmember Helgeson asked how many students were in the new Pre-K programs. Dr. Edwards said that Pre-K 3 had 14 students and Pre-K 4 had 16 students.

Dr. Brennan stated that there were multiple impressive graduates from the Lynchburg City School System this year who were pursuing fascinating careers. He said that there was a lot of data provided about how important quality Pre-K education was to 3-year-olds and 4-year-olds. Bridges to Progress was the committee that was responsible for generating support and engagement for that effort, and he asked City Council to add that to their agenda in the future, because the ultimate goal of universal Pre-K would not succeed without City involvement. The goal must be recognized by the government organization as valuable to students and society, and if they were going to tackle any educational gaps, it must begin at that age.

Mayor Dolan said that lobbying of state legislature was essential for issues that they controlled.

Councilmember Helgeson said that he did not like the City interfering with a market such as Pre-K, when churches were being hurt by the competition with the free programs. Mayor Dolan said that there were 488 slots on the waiting list for Pre-K so there was a clear shortage of programs offered. Ms. Sinha stated that the secular Pre-K learning programs were for a different demographic than those who would choose faith-based learning for their children, but there was an unserved population even with the availability of seats in faith-based preschools. Councilmember Helgeson said that the successes of K-12 can be analyzed before deciding on expanding any program.

Councilmember Nelson asked how many home school students traditionally entered the school division prior to Covid-19. Dr. Edwards said that she would have to return with that information. Councilmember Nelson said that he would be interested to see the data. He asked if the definition of homeschooling included the period of time when the students of Virginia were schooled at home during 2020 and 2021 due to the pandemic. Dr. Edwards said no, the schools were not entirely closed except for

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the period of March 2020 until the end of that school year, and in 2021, Lynchburg Public Schools were open and students were assigned to their base schools and had hybrid learning models offered by public educators. Councilmember Nelson clarified that there were no remote learning students in the home school categorization in those calculations if they were not previously enrolled in the public school system. Dr. Edwards said that by code, the only children counted in homeschooling numbers were those when parents sent in credentials and had to provide at the end of the year the tests and information for the student's success in their study. For children receiving study from the public schools' virtual academy and resources, they were public school students and not home school students.

Vice Mayor Wright asked what the current scope of Pre-K education currently offered by LCS and if the defined need for the program was greater than the numbers on the waiting list. Deputy Superintendent of Schools Ms. Pugh stated that for Pre-K 3 needs, from 2021-2022, there were 368 Pre-K applications submitted, and 238 of those 3-year-olds were unable to be served. For Pre-K 4, there were 378 applicants last year, they placed 256, leaving 122 students on a waiting list. She stated that the numbers were likely comparable this year, so between 350 and 400 young students had families who wanted them to participate in the public preschool education.

Councilmember Faraldi said that he was attempting to find the role of the City Council and School Board in the education of children. He said that for Pre-K, they could give a tax credit to parents so that they could have time to spend with their families. He said that he would like to provide a service that incentivized an opportunity and did not just provide governmental Pre-K. He said that he was supportive of the idea of lab schools, but the City Council had voted against lab schools in January of that year, so he was unsure of what the direction was. Dr. Edwards said that family members were all the first teachers of children in their stages of early development, and those family members continued to be teachers as children entered into school. She did not disagree that there had been more social services offered through the sector of education over time and that educators provided other roles to students. However, it was questionable if they could effectively educate children who were hungry or homeless, and as a community, they thrived when they cared for each other. Councilmember Faraldi said that it was difficult to address every particular need through a one-size-fits-all approach, and there may be more analyzation

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needed about how they would best educate their children, recognizing the achievement gaps indicated a lack of success in that regard.

Mr. Trost said that it was true that they had to decide what their strategy would be, and unfortunately the education system had been put into a position in which they had to do more than educate. It was an issue that must be addressed at multiple different levels, and he would like to see the entire community involved. Parents must be involved because the school system could not do everything well, but he did not think there would be a better return on investment than investing in the education of these children.

Councilmember Wilder said that he appreciated the schools reaching all children in the school systems, especially when some children had switched schools multiple times due to evictions or other extenuating circumstances. The school system took all children regardless of their current situation, so they had to provide other services for them to support them as a community. If they did not support the children during this time with the services they need, they could continue to struggle. He gave his appreciation for the work done in attaining lab school opportunities in order to give students the opportunity to learn about public health and technology, which further addressed societal issues in their community.

Dr. Brennan said that he appreciated Councilmember Faraldi asking what their role was. The Lynchburg City Schools and City government did have the role of working together to help and support the children of the community to be successful, so it was a good question to challenge the community with that.

Councilmember Tweedy said that parents do everything possible to provide health and stability for their family, so the fact that the schools had to further support children meant it was a necessary thing. The greater challenge was to work together and find how to best do that, which required looking at the roles of the community and its organizations in helping children and families. Partnerships with local Pre-K providers may help alleviate some of the demand for those programs. The schools of innovation, or lab schools, were a historical part of Lynchburg schools, so it was great to see them expanded to middle school so that more options were available. She said that if they did not step into the roles that had been identified as necessary, there was question as to what they did instead.

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Councilmember Helgeson said that comparing the investment into the school system over the past 20 years to the SOL test scores and enrollment over that time, it did not show success. The spending was the critical element. Dr. Carter said that the students of today were living in the City of Lynchburg experiencing more than 24% poverty, which was 12% over the state level. Many students had mental health issues and had been subject to two years of missed school. They should not focus on who had certain roles when all of the community should be involved, and there was much pressure on students, teachers, and administrators. The purpose of resetting and refreshing was to stop where they were and move forward. It would be much worse if they did nothing at all.

Dr. Day stated that the task of the school system used to be much more focused on classroom education, but had expanded to include many other services that went beyond that. He noted that this also affected the retention of teachers, because many new responsibilities fell on teachers to handle, and his belief was that it contributed to the dissatisfaction teachers expressed with the stress level and experience of working and their resulting resignations.

Dr. Gupta said that they had to fix the problems of the school system together and not focus completely on the issues without seeking solutions. It diminished morale to entirely disregard the work being done by the Superintendent to make progress toward their goals.

// Dr. Reid A. Wodicka, Deputy Superintendent of Lynchburg City Schools, and Mr. Kent White, Acting Deputy City Manager, gave an update of the facilities study. Dr. Wodicka stated that this was part of discussing the facilities and school buildings provided and how they subsequently contributed to the working environment for students to achieve. The goal now was to develop a financially feasible, visionary, and sustainable school buildings plan that would serve the students long into the future. Assessments performed in recent years found that the public schools were relatively functional, but there was a reality that many buildings were in degraded condition. Some of these poor conditions emulated that the buildings were unimportant and uncared for, which was contrary to their use by students and teachers each day as a positive environment to learn. Additional capacity in the elementary schools continued to exist, and in order to determine if school closures were necessary, the Lynchburg City Schools and City of Lynchburg was developing a master plan for the entire school system. They would map a functional and affordable master plan process that would guide them through the next 20 years,

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with the main focus being how the buildings affected children's socio-emotional and academic success. The sustainability of the school system and its finances were essential for analysis so that they could determine how design schools in the system. It included making sure not to spend too much while still investing appropriately. In many cases, there were many great places in Lynchburg that could be reused to achieve this work. The next step was to work with an educational planning group to assess their instructional strategies, where they needed program adjustments, facilitating the long-term vision for the physical design for the buildings, analyzing the system in blank-slate terms of school closures, consolidation, or new construction, and development of a student assignment strategy for socio-emotional development of children and their neighborhoods.

Mr. White stated that this challenging project would make a difference in the long term. The facilities assessment was the first step to finding out what their inventory looked like, but this was about creating important, complete learning environments for the youngest residents of the City. Many of the buildings had served them well over time and would continue to do so, but the intent was to ensure that those buildings were being used for the right purposes for the next-level learning opportunities they wanted to create. The other factor were the sites outside of the buildings, where they should have complete campuses that provided outside opportunities for students. There were a lot of opportunities to create those opportunities on the campuses themselves while creating connection points to neighborhoods that the buildings had served for a long time. The handout given to the Council and Board included the information regarding the decision-making process. He said that they were currently selecting a consultant with an RFP posted, and there would be a joint team of City and Lynchburg City School staff who would assess this. The intent was to bring the consultant in to cooperate with their current architect and this joint team, and they would focus on four areas that were the educational programming, student population neighborhoods, building assessments and long-term planning, and funding and analysis for alternative solutions. Following the selection of the consultant, the joint team would work through the fall and winter, and in the first quarter of 2023, they would provide framework options to the public for community input. Then the School Board and City Council would be presented the framework and give feedback and direction, with the goal of returning with a quality master plan

before the beginning of the next year. Dr. Wodicka noted that there was an infographic provided to Council and the Board that gave the items included in the planning process.

Councilmember Helgeson said that the schools had lost 2,000 students, so they must be constructed to be the right size for their school system as part of the facilities study.

Dr. Brennan clarified that in the facilities project done by Dominion 7 stated that the past 10 years had lost 800 students, and they were predicted to stay at that level for the next 10 years. The School Board and City Council should work early on in order for communication to be clear from the beginning and ensure collaborative success.

Dr. Gupta said that this process may require rezoning, closing schools, and other ways to make the process most efficient and effective. Dr. Wodicka said that it was correct that a critical part of this was thinking about making sure they were managing their buildings as effectively as they could, which meant they had to consider all options and through the process of analysis and community engagement, and they would develop a true and clear master plan that addressed the needs. Dr. Edwards said that there were five community meetings in the springtime after receiving the facilities condition assessment, and at each meeting, they mentioned the possibilities of new buildings, closing buildings, consolidating buildings, and rezoning, in order to be fully transparent with the community about the possible directions this study may take them.

Councilmember Tweedy said that she was looking forward to the collaborative conversations between Community Development and the schools in order to work on the connections between neighborhoods and the school buildings. The City could invest in a project well and thoroughly when they knew it was an economic driver, and education was an economic driver, and if the City were able to make the investment in this education, there would be returns for all the neighborhoods.

Mrs. Preston said it was critical that the community be informed of every step of the process so that information could be explained and so that opinions could be heard. The community should understand how this benefited everyone and was not an initiative that only benefited the decision-makers.

Councilmember Nelson said that he had been a part of the Future of Education Taskforce and held a great amount of confidence in the expertise of the personnel in that group. He asked if there was any opportunity for those previously involved individuals who had already come up with conclusions about

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some of these questions. Dr. Wodicka said that while he could not decide to restart that group, he certainly invited all who wished to participate to join in this process. Councilmember Nelson said that the group extended beyond the subject of facilities and had encompassed many of the large issues faced by the school system and the City, so he would like to know when those individuals would be able to be engaged and share their resources and experiences. Dr. Wodicka said there was no specific time role at this point. Councilmember Tweedy said that Community Engagement had a good opportunity. Councilmember Nelson said that it should, but was not mentioned as an asset as it should be.

Councilmember Helgeson said that an option that should be off the table entirely was building new schools. Mayor Dolan said that the discussion of this item had concluded.

// Deputy Superintendent of Schools Dr. Reid A. Wodicka and Police Chief Mr. Ryan Zuidema provided Council and the School Board with an update on school safety.

Dr. Wodicka stated that notable items for school safety included ways to defer entry during potential active shooter events, and there were multiple strategies as to how they did that while having more expedient access for those law enforcement and emergency services. School safety also included fire safety, chemical safety, and hygiene, which were important components of making a safe environment. Mr. Cecil Jackson joined the school division as their School Safety Manager to focus on these issues and create the safest possible environment they could. In addition to the physical aspects, they had to analyze how they interacted with their students and staff, so something of focus this year was youth mental health first aid training, as well as application for the school security officer grant for elementary and alternative school sites. It would be a great approach to have school resource officers at every school, but there had been challenges in the past to fill the positions, so adding more of those positions would not be a successful endeavor. Other partnerships included a Department of Criminal Justice Services grant for mapping the school buildings digitally for first responders, SROs participation in the summer leadership summit to present issues of lock-ins, lockdowns, and gang issues, and Lynchburg City Schools members sat on the City's Emergency Operations Team for larger community issues.

Chief Zuidema stated that the Police Department had worked with the school system since the late 1990s through the School Resource Officer program. Annually, they updated crisis plans for every school and its SROs, and this year they did a full assessment of all school facilities for safety in addition

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to those crisis plans by examining all points of access. They were also working on a long-term report that gave recommendations for each school from the Police Department and school staff to help make the school safer for all people in the buildings. Last month they attended a School Safety Summit organized by Senator Newman where all local superintendents, police chiefs, and sheriffs together to discuss what the state could and would do to support them and to gather information on what peers were doing in order to collaborate. He would like to staff SROs at every school, but they did not have a pool of employees to assign those duties, so the school security officer program funded through the DCJS grant would meet the needs of safety and security. Other localities had employed the school security officer model successfully around the state since it had been implemented in the early 2000s. He stated that it was the School Board's ultimate decision as to whether or not the security officer would be armed, as outlined in the state code, and if armed, the officer would require higher training and have approval of himself as the Chief Law Enforcement Officer of the locality as being able to safely and effectively meet the needs of the school with a firearm. School security officers did not have full arrest authority but could detain someone for criminal violations.

Councilmember Faraldi said that he would like to have a sworn SRO in each school, because having an unarmed security officer would not have the ability to eliminate threats. He said that he was willing to see what school security officers could provide, but he would like to explore having an armed individual of some sort in the building.

Councilmember Helgeson asked if an active shooter situation would require 180 police officers outside of the building such as in Uvalde, Texas. Chief Zuidema said that their approach was to stop the killing as immediately as possible, understanding that it may put officers' lives at risk.

Councilmember Tweedy asked if School Board members or City Councilmembers would have the ability to participate in an active shooter training situation. Chief Zuidema said that usually prior to the school year, training was undertaken for staff, and from his perspective of being someone who provided some of that training, he would have no issue with any Councilmembers attending that training, however he would not speak for Dr. Edwards. Councilmember Tweedy said that it was important for them all to have as much knowledge as they could, and she encouraged people to participate if it was possible.

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Councilmember Faraldi asked if a security officer would report to the Superintendent or to Chief Zuidema as the Chief Law Enforcement Officer. Chief Zuidema said that they would report to both, because the code stated that they had to be employed by the school division and would fall under that in terms of routine, but the goal of the grant was a collaboration between the departments and train them together so that there was a clear expectation. There would likely be an MOU that would dictate the steps for an immediate crisis. Dr. Edwards said that they supported that and understood they were under the direction of, and had no problems in listening to, the people who were trained to respond.

// In the matter of the agenda item titled *Accreditation, Test Scores, and Achievement Gap Preview*, Mayor Dolan stated that this item could not be handled in its scope with the time allowed. This item was a preview, and the full item would be presented to the full School Board on September 20, 2022. She said she would like the Superintendent to present this in October 2022 before Council; Dr. Edwards replied absolutely.

// The meeting was recessed at 6:00 p.m.

// City Council reconvened the meeting at 7:30 p.m. in the Council Chamber, City Hall, MaryJane Dolan, President, presiding. The following members were present:

Present: MaryJane Dolan, Beau Wright, J. Randy Nelson, Treney Tweedy, Sterling A. Wilder,

Chris Faraldi 6

Absent: Jeff S. Helgeson 1

Councilmember Wilder gave the Invocation, followed by the Pledge of Allegiance.

// In the matter of Budget, Agenda Item #1, a public hearing was held and Council received citizen input regarding the consideration of Resolution #R-22-053, Resolution #R-22-054, and Resolution #R-22-055 approving FY 2022 Fourth Quarter and FY 2023 First Quarter Adjustments. Council was previously briefed on this matter at the August 23, 2022 work session. Ms. Donna Witt, Chief Financial Officer, gave a summary of the item to Council. The item is a resolution amending the FY 2022 adopted Operating Budget and the FY 2023 adopted budget for the budget adjustments listed in attachments A and B. The adjustments represent additional funds received since the adoption of the budgets and to continue work in FY 2023 for initiatives not completed in FY 2022.

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There was no one to speak in favor or opposition, either by phone, email, or in-person, so the public hearing was closed and the matter rested with Council.

Councilmember Wilder made a motion, seconded by Councilmember Faraldi, to approve Resolution #R-22-053, amending the FY 2022 Operating and Capital Budgets, appropriating funds to reflect the FY 2022 Fourth Quarter Adjustments, as listed in Attachment A. With no discussion from Council, the following vote was recorded:

|  |   |
|--|---|
| Ayes: Dolan, Wright, Nelson, Tweedy, Wilder, Faraldi | 6 |
| Noes:  | 0 |
| Absent: Helgeson                                     | 1 |

Councilmember Tweedy made a motion, seconded by Vice Mayor Wright, to approve Resolution #R-22-054, amending the FY 2023 Operating and Capital Budgets, appropriating or rescinding bonds to reflect the FY 2023 First Quarter Adjustments as listed in Attachment B.

|   |   |
|---|---|
| Ayes: Dolan, Wright, Nelson, Tweedy, Wilder | 5 |
| Noes: Faraldi                               | 1 |
| Absent: Helgeson                            | 1 |

Councilmember Faraldi made a motion, seconded by Councilmember Wilder, to approve Resolution #R-22-055 indicating FY 2023 General Fund Non-Departmental Poverty Initiative funds may only be spent upon approval by a majority vote of City Council. With no discussion from Council, the following vote was recorded:

|  |   |
|--|---|
| Ayes: Dolan, Wright, Nelson, Tweedy, Wilder, Faraldi | 6 |
| Noes:  | 0 |
| Absent: Helgeson                                     | 1 |

// In the matter of Water Resources, Agenda Item #2, a public hearing was held and Council received citizen input regarding the consideration of a Resolution #R-22-056 authorizing the issuance of public improvement bonds for the purpose of providing funds to pay the costs of capital improvements to the stormwater utility system. Chief Financial Officer Ms. Donna Witt gave a summary of the item to Council. The item authorized general obligation bonds not to exceed \$10M for the College Lake Dam Removal and Streambank Restoration Project, and to enter into a funding agreement with Virginia Resource

Authority for a grant to the City for principal forgiveness of up to \$2.5M. The bonds were through the Virginia Facilities Revolving Fund, which was administered through the Virginia Resource Authority. The Resolution also authorized the City Manager, Deputy City Manager, or CFO to execute the required documents.

There was no one to speak in favor or opposition, either by phone, email, or in-person, so the public hearing was closed and the matter rested with Council.

Councilmember Nelson made a motion to adopt the resolution, seconded by Councilmember Tweedy.

With no further discussion from Council, the following vote was recorded:

|  |   |
|--|---|
| Ayes: Dolan, Wright, Nelson, Tweedy, Wilder, Faraldi | 6 |
| Noes:  | 0 |
| Absent: Helgeson                                     | 1 |

// In the matter of Planning, Agenda Item #3, the Council considered adopting Resolution #R-22-057 naming the Lakeside Drive Bridge over Blackwater Creek the Rosel and Elliot Schewel Memorial Bridge. The Council was previously briefed on this item at the August 23, 2022 work session. Mr. Tom Martin, Acting Director of Community Development, gave a summary of the item to Council. The new Lakeside Drive Bridge over Blackwater Creek in the City of Lynchburg, Virginia was opened to traffic on June 17, 2022. The City's policy for the Naming of City Owned Properties, Facilities, Streets & Structures provides that City facilities may be named for an individual, living or deceased, who has made a significant contribution to the City of Lynchburg, and the individuals' contributions were outlined in the Resolution.

Vice Mayor Wright made a motion to adopt the Resolution #R-2-057, seconded by Councilmember Nelson.

With no further discussion from Council, the following vote was recorded:

|  |   |
|--|---|
| Ayes: Dolan, Wright, Nelson, Tweedy, Wilder, Faraldi | 6 |
| Noes:  | 0 |
| Absent: Helgeson                                     | 1 |

// In the matter of Engineering, Agenda Item #4, the Council considered adopting a Resolution #R-22-058 supporting Campbell County's participation in a Smart Scale application to construct improvements to

parts of Timberlake Road from the county into the City. Council was previously briefed on this item at the August 23, 2022 work session. Mr. Lee Newland, City Engineer, gave a summary of the item to Council. VDOT has required and Campbell County has requested the City of Lynchburg to support their participation in a Smart Scale application to construct improvements to Timberlake Road from Campbell County into the City of Lynchburg. These improvements are at the intersections of Greenview Drive and Laxton Road and would extend into the City to connect with the existing streets. The Campbell County Board of Supervisors approved their resolution in July.

Councilmember Wilder asked Mr. Newland if this would affect the requests for Smart Scale funding currently underway. Mr. Newland answered that it would not affect those.

Councilmember Faraldi said that the City would experience impacts from this project in the area between Greenview Drive, Mountain View Drive, and Wood Road, and he hoped that there could be added protections to the neighborhood as this project was built out.

Councilmember Wilder made a motion to adopt the Resolution #R-22-058 supporting Campbell County's participation in a Smart Scale application to construct improvements to parts of Timberlake Road from the county into the City, seconded by Councilmember Faraldi.

With no further discussion from Council, the following vote was recorded:

|  |   |
|--|---|
| Ayes: Dolan, Wright, Nelson, Tweedy, Wilder, Faraldi | 6 |
| Noes:  | 0 |
| Absent: Helgeson                                     | 1 |

// The meeting adjourned at 7:46 p.m.

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Clerk of Council

September 27, 2022

// A regular meeting of the Council of the City of Lynchburg was held on the 27th day of September, 2022, at 4:00 P.M. in the Council Chamber, City Hall, MaryJane Dolan, President, presiding. The following Members were present:

|  |   |
|--|---|
| Present: MaryJane Dolan, Beau Wright, Jeff Helgeson, J. Randy Nelson, Treney Tweedy, |   |
| Sterling A. Wilder, Chris Faraldi  | 7 |
| Absent:  | 0 |

// In the matter of Economic Development and Tourism, Agenda Item #1, Update on 2022 Special Events, Council heard from City staff regarding upcoming community events through the fall season. Ms. Marjette Upshur, Director of the Economic Development and Tourism Office, summarized that special events, whether offered by the City of Lynchburg, businesses, or nonprofit partners, contributed to community pride and quality of place, and help drive spending in the City. According to Placer, domestic tourism visits of more than 50 miles away to the City of Lynchburg had recovered 120% from July of 2019, and they estimated that the 40 special events from the past fiscal year had generated almost \$1.5M in total business sales. Special events also enhanced the City's diverse identity with events such as Hill City Pride, Soul Food and Funk Festival, and this weekend's much-anticipated Get Downtown. She said that these events positioned the City as a destination and drew new talent to the area. The Office of Economic Development & Tourism (OEDT) will distribute a roundup of events planned throughout the City through Fall 2022. Details of events were subject to change, and a full updated list is available on the tourism website at [lynchburgva.org/events](http://lynchburgva.org/events).

// In the matter of Finance, Agenda Item #2, Council received a briefing on the elimination of Business License Tax for businesses with gross receipts less than \$50,000. Mr. Mitchell Nuckles, Commissioner of the Revenue, gave a summary to Council on the item. In response to a request made by Council Member Helgeson, the Commissioner of the Revenue and City Staff will provide information related to the elimination of Business License Tax for businesses with gross receipts less than \$50,000 for the preceding calendar year. Currently, any business or profession whose gross receipts, wholesale, purchases, or commission sales for the preceding calendar year are between \$10,001 and \$50,000 pay an annual license tax of \$30. Any business or profession whose gross receipts, wholesale, purchases, or commission sales for the preceding calendar year are \$10,000 or less is not subject to the business and

professional licensing requirements. A total of 510 businesses reported gross receipts in the range of \$10,001–\$50,000 for calendar year 2021, with gross receipts totaling \$15,384,958. The 2022 Business License Tax due from these businesses totaled \$15,417, and the Business Personal Property totaled \$19,833, for total revenues of \$35,250 from this range. Revising the current ordinance to eliminate Business License Tax for this group would reduce revenues by approximately \$35,250.

Councilmember Helgeson made the motion to proceed with the process of eliminating the Business License Tax for businesses with gross receipts less than \$50,000 for the preceding calendar year. Councilmember Faraldi seconded the motion.

Ayes: Dolan, Wright, Helgeson, Nelson, Tweedy, Wilder, Faraldi 7

Noes: 0

// In the matter of Planning, Agenda Item #3, Council received an update on the City Art Installation of M.W. Thornhill, Jr. in the 5<sup>th</sup> Street Roundabout and Chauncey Spencer, Sr. at the Lynchburg Regional Airport. Mr. Tom Martin, Acting Director of Community Development, gave a brief summary to Council. The City's Public Art Policy was created in 2014 and strengthens the City's role as a facilitator of art in public spaces. Installation of a statue of M.W. Thornhill, Jr. the City's first African American Mayor in the 5th Street Roundabout, was scheduled to be completed by June of 2023. A statue of Chauncey Spencer, Sr., Tuskegee Airman, would be unveiled at the Lynchburg Regional Airport on October 1, 2022.

Councilmember Tweedy said that she was honored to learn that Mr. Spencer would have a statue, because for so long his history had been contained to Pierce Street, and it was a great success to share his legacy in the public institution of the airport.

Councilmember Wilder said that public art is of great benefit to local citizens as well as visitors of Lynchburg who could walk around and experience quality art. He expressed his appreciation for the M.W. Thornhill statue coming to fruition after several years of work. He stated that he was pleasantly surprised to hear that Chauncey Spencer would have a statue in Lynchburg to add to his honor at the Aviation Museum of Virginia in Fredericksburg.

Vice Mayor Wright gave his thanks to the African American Cultural Committee composed of City residents and staff who came together to make recommendations, including the funding by the City of the statue to make that possible.

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Councilmember Nelson said that he had been unaware of the Chauncey Spencer statue, but knew of the years of effort put into the M.W. Thornhill statue. He said that he knew Mr. Thornhill and Mr. Spencer, and both were highly deserving to be recognized for what they did and what they meant to the community. He expressed his regret for being unable to attend the dedication of Mr. Spencer's statue, but his heart and thoughts would be with everyone.

Councilmember Helgeson said that Lynchburg held the great honor of being home to Chauncy Spencer, Sr., who had served as a Tuskegee Airman in World War II.

Councilmember Faraldi said that the placement of the statue of Mr. Spencer at the airport would send a strong message about the history of Lynchburg, which he appreciated very much.

// In the matter of Engineering, Agenda Item #4, Council held the AC Capital Bid Opening and Acceptance. Mr. Lee Newland, City Engineer, gave a brief summary of the item to Council. AC Capital, LLC has requested a franchise from the City to allow use of the City's public rights-of-way for the construction, installation, use, and maintenance of certain encroachments in the public rights-of-way of the City at Court Street and 12th Street. In this instance, the encroachment would be for the balconies, building edge/roof overhang/canopy, and gutter/downspouts that would extend over the sidewalk from the upper stories of the building. The proposed ordinance and map define the applicable encroachments. The proposed franchise, if granted, will begin October 1, 2022, and expire September 30, 2061. Unless an alternate agreement is negotiated, the agreement would continue month-to-month thereafter. Where appropriate, the City Council will accept a bid during its Work Session on September 27, 2022. Once a bid has been accepted, the City Council may hold a public hearing during its Regular Meeting on September 27, 2022, on whether to adopt the proposed franchise ordinance attached.

Councilmember Helgeson asked if Mr. Newland could help elucidate some of the benefits of this proposal. Mr. Newland said that he could not speak to the benefits had by the developer, but there were balconies over right-of-way at the bluff walk. The idea was to catch the water from the balconies and take it down to street level so that it did not drip on the citizens or whoever was using the public sidewalks. Councilmember Helgeson asked if the water would drip on them if the balcony were not over the sidewalk. Mr. Newland said that it would not drip on them as long as they installed the drainage to keep it from dripping. There were two types of encroachments in rights-of-way, one being when a developer

asked for it while developing, and the other type of encroachment were awnings and roof structures that had been constructed many years ago and were now in the right-of-way. Councilmember Helgeson asked if those were in nonconforming use. Mr. Newland said that some of those properties had come before Council, such as Hill Street. City Attorney Mr. Matthew Freedman noted that Colonnade had buildings that were in the right-of-way and constructed over City easements as a franchise. The City had done similar Ordinances in the past, not in allowing construction of encroachments but to permit them to deal with liabilities or other issues that came up as it related to the encroachments. Councilmember Helgeson said that he had yet to hear the public benefit of doing this project, and the answers provided so far had been unsatisfactory.

Councilmember Nelson said that Councilmember Helgeson raised a legitimate question. The subject building was a basic, generally unattractive brick structure that had been there for 70 years, originally serving as a grocery store. The design could not change much unless the exterior walls were reconstructed, and the proposal to change the aesthetics and add balconies was functional and an attractive way to add character to this. He asked if there was any functional challenge that necessitated this proposal from the developer's point of view. Mr. Newland said that he could not answer for the developer. Acting Deputy City Manager Mr. Kent White stated that Council originally approved this for rezoning for apartments. The functional aspect of this was to create windows and external views for an outward appearance, as well as a benefit for the tenants inside, and the drainage was to provide the offset for the exterior and interior benefits. Councilmember Nelson said that developers and investors were doing a lot to renovate and rehabilitate the vision and aesthetic appeal of downtown. What was proposed was a remarkable and attractive alternative to what it had been for decades, and that would be positive from any perspective, unless there was some negative result from doing so. This inconvenience was a nuanced obstacle to approving it given what was a significant aesthetic and quality-of-life enhancement, so he would be supporting the item.

Councilmember Wilder said that he approved of the renovation of the building, which had been vacant for an extended time, and the resulting enhancement of the entire City.

Councilmember Tweedy asked if the structures discussed were the pieces of structure and wood off of the side of the building on each side. Mr. White answered yes. Councilmember Tweedy said that it

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was very visible, and it was good to know that it would be a part of the aesthetics of the building. Mr. White stated that they had prepared to install it but were waiting for Council's final decision.

Councilmember Tweedy said that she approved of the proposal because the developer's renovation of the vacant building would be great for downtown.

Mayor Dolan asked if they were more ornamental than functional structures. Mr. Newland said that they were functional, with patio doors at the balconies and would be able to be used as balconies.

Councilmember Helgeson said that he had difficulties finding the address of the subject property based on the information provided, and had only found tax map parcel numbers and coordinates. Mr. Freedman stated that the address was on the map as incorporated into the ordinance. The meets and bounds were the descriptions of the encroachment were included as a way to effectively follow the map for real estate purposes. Councilmember Helgeson said that he would abstain from the vote.

Mayor Dolan said that the bid would now be opened for acceptance. She asked the Clerk how many bids had been received. Clerk of Council Ms. Alicia L. Finney said that an invitation for bids was advertised in the News & Advance that ran on August 31 and September 8, and as a result of the advertisement, they received one bid. Ms. Finney read the letter of commitment from AC Capital, LLC, received by her office on September 13, 2022. Mayor Dolan asked if there were any additional bids offered from the public. Hearing none, she declared the bidding closed.

Vice Mayor Wright motioned, seconded by Councilmember Nelson, to accept the sole bid. Councilmember Helgeson stated that he would be abstaining because he did not see the address listed in the ordinance. With no further discussion from Council, the following vote was recorded:

|  |   |
|--|---|
| Ayes: Dolan, Wright, Faraldi, Nelson, Tweedy, Wilder | 6 |
| Noes:  | 0 |
| Abstain: Helgeson                                    | 1 |

Mayor Dolan announced that a public hearing will be conducted on September 27, 2022, at 7:30 p.m. in Council Chamber to hear from members of the public regarding the adoption of an ordinance granting the franchise to the successful bidder.

// In the matter of Economic Development, Agenda Item #5a, Council was briefed on the James River Arts and Culture District Boundary Adjustment. This item will appear for the City Council vote on the

October 11 General Business Agenda. Ms. Anna Benston, Assistant Director of Economic Development and Tourism, gave a summary of the item to Council. The OEDT works to position arts and culture, and the organizations that serve our community, as a critical sector that contributes to the City's economic health. To this end, the James River Arts & Cultural District was established in 2011. The program includes business incentives and an annual appropriation of amusement tax generated in the district granted by the OEDT through an application process to support programs, events, and projects that promote and market the district, improve aesthetic or infrastructure, have public benefit, or generate visitation to the district. Grants of \$5,000 were awarded in an annual application process administered through the Office of Economic Development and Tourism, and since 2012, 177 projects had been funded and generated more than \$22M in local economic impact. A consortium of arts and cultural organizations within the district has requested that City Council consider a boundary amendment to include the following changes:

- 1) the Central Business District extending up Fifth Street to Taylor Street to include the old City Cemetery and Legacy Museum, Madison House for the Arts, and up Rivermont Avenue to Bedford Avenue.; and
- 2) the Pierce Street Renaissance Historic District, including the properties adjacent to Pierce Street between Thirteenth Street and Fifteenth Street; and
- 3) the areas along Norwood Street, A Street, B Street, and Cabell Street encompass and include the Point of Honor.

Additionally, staff has added language to the ordinance to limit future boundary adjustments to protect the integrity of the Arts & Cultural District.

Councilmember Faraldi asked what aspect of this item was a new piece of City code. Ms. Benston answered that it was an amendment to the boundaries in the City code.

Vice Mayor Wright asked if the money collected from the amusement tax was all put back into the grants. Ms. Benston said yes, Council appropriated in the budget to the Arts and Cultural District Fund, and their office administered an annual application program, so organizations could apply and receive funding for projects, events, and programs to drive traffic back to the District. Vice Mayor Wright asked if Economic Development had set the amount to \$5,000. Ms. Benston said yes, but the amount could programmatically be updated over time.

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Councilmember asked how such a small area could have \$22M of impact. Ms. Benston stated that with every application for program grants, they were able to run an economic impact calculation based on the size of the organization, the spending taking place in the event, and the amount of visitors attending that event. Americans For the Arts is the national service organization for arts and had published the calculator, which was based on communities across the country for economic input. Councilmember Helgeson asked what calculations were used to find the \$22M result. Ms. Benston said that there were multipliers based on the size of the community and spending for those attending events, in order to take into account total business spending. Councilmember Helgeson asked if the total number included more than just the Arts and Culture District. Ms. Benston confirmed that the impact was not contained to the district but was felt throughout the City as a whole.

Councilmember Faraldi asked if this program could be utilized in other areas of the City, not only in downtown. Ms. Benston said that they could certainly establish different districts in other parts of the City. A benefit of a district was that it was an economic cluster, so mapping the type of organizations or developments would be beneficial. Councilmember Faraldi said that there was opportunity to incentivize development to create another downtown area in Wyndhurst and Cornerstone.

Councilmember Tweedy said that this district was available to all residents of Lynchburg, and everyone had the opportunity to visit these venues. Ms. Benston noted that program grants were for activities that took place in the district, but not necessarily produced by organizations that resided in the district.

// In the matter of the Airport, Agenda Item #5b, Council received a briefing on the Freedom Aviation Fuel Farm Agreement. This item will appear before City Council for action on the October 11, 2022 Public Hearing agenda. Mr. Andrew LaGala, Airport Director, gave a brief summary of the item to Council. The City of Lynchburg owns three (3) aviation fuel storage tanks and related pumping equipment located in the fuel tank farm at Lynchburg Regional Airport. This agreement would be between the City of Lynchburg and Freedom Aviation for the lease and use of the airport's fuel farm facility. Our current Freedom Aviation Fuel Farm Agreement is due to expire on June 30, 2023. Freedom Aviation has approached airport administration to renew this agreement in order to keep the dates closer to their Fixed Based Operator agreement that was approved by City Council earlier this year. The proposed agreement

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would be for five years with a five-year option to renew at the end of the initial term. The business terms of the agreement will remain as the previous agreement with some required Federal Aviation Administration standard language updates.

Councilmember Helgeson asked if this was an item meant to renew the lease that had been continued between Freedom Aviation and the Airport. Mr. LaGala said that they had a Fixed Based Operator agreement, and a fuel agreement must be in line because both were required to operate the business. Councilmember Helgeson asked how long the term of this lease would be. Mr. LaGala answered that it would be a five-year lease with a five-year renewal option at the end of the initial term.

Councilmember Tweedy asked if an address for Freedom Aviation provided in the contract. Mr. LaGala stated yes. Mr. Freedman stated that the address the City would use to contact Freedom Aviation was on page 15 of the lease agreement, which was listed as 310 Hangar Road, Lynchburg, Virginia, 24502. Councilmember Tweedy asked if that was the address of the location and not the physical location; Mr. LaGala said that was correct.

// In the matter of the Airport, Agenda Item #5c, Council received a briefing on the ARINC Lease Agreement. This item will appear for City Council vote on the October 11, 2022 Public Hearing agenda. Mr. LaGala gave a summary of the item to Council. ARINC is requesting a lease agreement for their ACARS (Aircraft Communications Addressing and Reporting System) equipment. ACARS is a digital datalink system for transmission of short messages between aircraft and ground stations via airband radio or satellite. This request is for a 5-year lease with an option to renew for up to five (5) successive one (1) year terms. The rental rate shall automatically increase by two percent (2%) on the first day of each anniversary of the Rent Commencement Date.

// In the matter of Roll Call, Agenda Item #6, Councilmember Tweedy gave City staff, City school staff, LPD staff, and others credit and thanks for the great administration and security at the E. C. Glass and Heritage football game. Councilmember Helgeson said this morning was a Finance Committee meeting where they discussed the \$43M surplus. He said that he hoped that at their next retreat or meeting the Council could decide what to do with the \$43M, which he hoped would be given back to the taxpayers.

// Councilmember Faraldi congratulated Heritage on winning the Jug Bowl, which was a defensive and fun game. He thanked staff and the City Manager for taking initiative on Enterprise Drive and the

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continuing issues there, and he looked forward to continuing to discuss what they had already been over email. He said that it was certainly a corridor very important to the economic vitality of their region, but also the residents there who were seeking extra protections. He said that he was interested in learning more about the funds in the unassigned fund balance and any information available in addition to what had been given to the Finance Committee would be prudent to be addressed to full Council.

Councilmember Wilder said of solemn note was the loss of a legend of the community, Ms. Dee Fowler, a pioneer in the community for voting rights and human rights, and had been a foster mother and grandmother. She was a strong staple at Diamond Hill Baptist Church and in the community. He said that she passed away on Saturday in Richmond while visiting her grandson. He said they would keep her family in prayer, and her funeral would be held on Sunday. He said that for Ward II, they were thankful for the legacy she left, and all of her life was an inspiration to all of them in how they led their own lives. Vice Mayor Wright thanked Councilmember Wilder for his remarks and said that they would miss Ms. Fowler. He offered his thanks to Economic Development, the Sherriff's Office, Police Department, and Fire Department, Moore & Giles, and other community partners who made the Virginia Ten-Miler possible this past Saturday. He said that it was a lot of fun, with bands playing along the route, and the event was a great driver for economic impact for the community in addition to being a great community-building exercise. Mayor Dolan congratulated the participants of the 48<sup>th</sup> running of the Virginia Ten-Miler last weekend, with over 3,300 registered runners and walkers from 33 states and five countries participating. She said that it was supported by more than 1,100 volunteers representing the area's universities, colleges, and churches. She thanked Moore & Giles, the title sponsor, along with 26 corporate sponsors and 23 corporate teams. She said that records were set for both the ten-miler and the four-plus-mile run. She thanked the community who supported the event, and said to save the date for the next, which would be Saturday, September 30, 2023. She said that this Saturday was the Get Downtown event, and she encouraged everyone to attend and join in on the fun events from 4 p.m. to 9 p.m.

// On motion of Vice Mayor Wright, seconded by Councilmember Wilder, Council, by the following recorded vote, elected to hold a closed meeting to discuss appointments to the following boards and commissions: Lynchburg Redevelopment Housing Authority, Social Services Advisory Board, Board of

Zoning Appeals, Historic Preservation Commission, pursuant to Section §2.2-3711(A)(1) of the Code of Virginia, 1950, as amended.

Ayes: Dolan, Wright, Faraldi, Helgeson, Nelson, Tweedy, Wilder 7

Noes: 0

// The meeting was reopened to the public.

// Councilmember Helgeson made the following motion:

WHEREAS, the Council of the City of Lynchburg has convened a closed meeting on this date, pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act; and

WHEREAS, Section 2.2 3712 of the Code of Virginia requires a certification by City Council that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Lynchburg certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by Council.

The motion was seconded by Councilmember Nelson, and Council, by the following recorded vote, adopted the motion:

Ayes: Dolan, Wright, Helgeson, Nelson, Tweedy, Wilder 6

Noes: Faraldi 1

// On motion of Councilmember Helgeson, seconded by Vice Mayor Wright, Council by the following recorded vote appointed the following members to the respective boards and commissions:

Lynchburg Redevelopment Housing Authority: Reappointment of Ray Booth to a new 4-year term expiring September 30, 2026; reappointment of Treney Tweedy to a new 4-year term expiring September 30, 2026.

Social Services Advisory Board: Reappointment of Lenora Noell to a new 4-year term ending September 30, 2026.

Board of Zoning Appeals: Rebekah Melton to an unexpired term ending June 30, 2027.

Historic Preservation Commission: Dr. Gerry Sherayko to an unexpired term ending June 30, 2024.

Ayes: Dolan, Wright, Helgeson, Nelson, Tweedy, Wilder, Faraldi 7

Noes: 0

// The meeting was recessed at 5:17 p.m.

// City Council reconvened the meeting at 7:30 p.m. The following members were present:

Present: MaryJane Dolan, Beau Wright, Jeff S. Helgeson, J. Randy Nelson, Treney Tweedy,

Sterling A. Wilder, Chris Faraldi 7

Absent: 0

Councilmember Faraldi gave the Invocation, followed by the Pledge of Allegiance.

// In the matter of Consent Agenda Item A, Council conducted a second reading and adopted Resolution #R-22-053 approving the FY 2022 Fourth Quarter Adjustments. On motion of Councilmember Wilder, seconded by Vice Mayor Wright, the following vote was recorded:

Ayes: Dolan, Wright, Helgeson, Nelson, Tweedy, Wilder, Faraldi 7

Noes: 0

// In the matter of Community Development, Agenda Item #8, a public hearing was held and Council considered approving a Resolution #R-22-059 approving the submission of the Program Year 2021 (FY 2022) Consolidated Annual Performance and Evaluation Report (CAPER) to the U.S. Department of Housing and Urban Development (HUD). Ms. Melva Walker, Grants Manager, gave a summary of the item to Council. The U.S. Department of Housing and Urban Development (HUD) requires each jurisdiction receiving HUD-administered grants (CDBG and HOME) to draft a CAPER and submit it for public review and comment. The CAPER describes the City's progress toward the housing and Community Development goals established within the 2020-2024 Consolidated Plan and the PY 2021 (FY 2022) Annual Action Plan. This CAPER is for the period of July 1, 2021 through June 30, 2022. With City Council's approval, the CAPER, including a summary of any public comments, will be submitted to the HUD Richmond Field Office for review to meet compliance regulations for the CDBG and HOME Program. Ms. Walker provided Council a summary of the CAPER report that included information about resources, expenditures, and the performance accomplishments in FY 2022.

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There was no one to speak in favor or opposition, either by phone, email, or in person, so the public hearing was closed and the matter rested with Council.

Vice Mayor Wright said that these federal funds secured by the Community Development Department went to various community partners to affect thousands of people directly. He was grateful for the work and made a motion, seconded by Councilmember Wilder, to adopt the Resolution #R-22-059.

Councilmember Wilder stated that there was a strong need for housing in the community that he continued to learn more about every day. He asked if the City also provided resources other than the federal CDBG funds to projects through Community Development. Ms. Walker answered that she managed the CDBG funds directly and what those funds expended for these projects she had mentioned. Councilmember Wilder said it was crucial to address poverty by establishing home ownership program, so it should be considered as categorical funding as part of the Council's long-term budget process. He asked if general ideas about how that initiative could be supported by the City and budget funds, using a similar model to CDBG that targeted home ownership.

Councilmember Tweedy said that she was in support of all programs provided by these partners in the community. She stated that because she had recently been in a position of leadership with one of those community organizations, she would abstain from this vote for these projects, but was very supportive for all work done for housing through the CDBG and other programs.

Councilmember Helgeson said that he agreed that homeownership was critical in giving residents an option for housing other than long-term rentals, and home ownership gave them the ability to buy and take care of their own property. He said that some of the language of the CDBG grants had shifted more toward rentals than of homeownership in explaining the goals, so it may be necessary to refine that wording to focus again on homeownership. He asked if the \$30,000 given to the Legal Aid Justice Center for assistance for eviction reduction assistance was one-time funding. Ms. Walker said that the funds were allocated from CARES Act funding for those affected by COVID-19 and who had provided information as to why they should not be evicted during that time of the pandemic. These funds were used to assist those clients in knowing their rights during that time as a one-time funding. Councilmember Helgeson said that it was wrong for the government to do anything but preserve the agreement between

a landlord and their tenant. Mayor Dolan said that these funds were typically used when tenants were evicted illegally and required legal assistance.

With no further discussion from Council, the following vote was recorded:

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|--|---|
| Ayes: Dolan, Wright, Helgeson, Nelson, Wilder, Faraldi | 6 |
| Noes:  | 0 |
| Abstain: Tweedy  | 1 |

// In the matter of Engineering, Agenda Item #9, a public hearing was held and Council considered approving an Ordinance #O-22-060 approving a franchise agreement with AC Capital, LLC for the use of the City's public rights-of-way for the construction, installation, use, and maintenance of certain encroachments in the public rights-of-way of the City at Court Street and 12<sup>th</sup> Street. Acting Deputy City Manager Mr. Kent White gave a summary of the item to Council. AC Capital, LLC has requested a franchise from the City to allow use of the City's public rights-of-way for the construction, installation, use, and maintenance of certain encroachments in the public rights-of-way of the City at Court Street and 12<sup>th</sup> Street., at 400 12<sup>th</sup> Street. In this instance, the encroachment would be for the balconies, building edge/roof overhang/canopy, and gutter/downspouts that would extend over the sidewalk from the upper stories of the building. The proposed franchise ordinance and map define the applicable encroachments. The proposed franchise, if granted, will begin October 1, 2022, and expire September 30, 2061, and unless an alternate agreement is negotiated, continue month-to-month thereafter. City Council has accepted a bid and will now hold a public hearing on whether to adopt the proposed franchise ordinance attached. If appropriate, the City Council will adopt the attached proposed franchise ordinance.

There was no one to speak in favor or opposition, either by phone, email, or in person, so the public hearing was closed and the matter rested with Council.

Vice Mayor Wright made a motion to adopt the Ordinance #O-22-060, seconded by Councilmember Wilder.

Councilmember Helgeson said that he appreciated the further explanation and presentation of the item by staff, which helped him better understand the proposal and inform his vote.

With no further discussion from Council, the following vote was recorded:

|  |   |
|--|---|
| Ayes: Dolan, Wright, Helgeson, Nelson, Tweedy, Wilder, Faraldi | 7 |
|--|---|

Noes: 0

// In the matter of Budget, Agenda Item #10, Council had a second reading adopted Resolution #R-22-054 approving FY 2023 First Quarter Adjustments.

Councilmember Faraldi said that he had initially voted against this resolution because he had not yet received satisfactory answers to some of his earlier questions, but those questions had since been resolved and he had no further issues with the item.

Councilmember Helgeson said that he would abstain from this item because he was absent when it was last presented and he did not have the information to review currently.

Vice Mayor Wright motioned, seconded by Councilmember Wilder, to adopt the Resolution #R-22-054. With no further discussion from Council, the following vote was recorded:

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|--|---|
| Ayes: Dolan, Wright, Faraldi, Nelson, Tweedy, Wilder | 6 |
| Noes:  | 0 |
| Abstain: Helgeson                                    | 1 |

// On motion of Councilmember Helgeson, seconded by Councilmember Faraldi, Council, by the following recorded vote, elected to hold a closed meeting to perform an annual evaluation of the City Manager and to further discuss the evaluation of the City Attorney, pursuant to Section 2.2-3711(A)(1) of the Code of Virginia, 1950, as amended.

// The meeting was reopened to the public.

// Councilmember Helgeson made the following motion:

WHEREAS, the Council of the City of Lynchburg has convened a closed meeting on this date, pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act; and

WHEREAS, Section 2.2 3712 of the Code of Virginia requires a certification by City Council that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Lynchburg certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification

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resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by Council.

The motion was seconded by Wilder, and Council, by the following recorded vote, adopted the motion:

Ayes: Dolan, Wright, Helgeson, Nelson, Tweedy, Wilder, Faraldi 7

Noes: 0

// The meeting adjourned at 9:30 p.m.

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Clerk of Council

October 7, 2022

// A special called meeting of the Council of the City of Lynchburg was held on the 7th day of October, 2022, at 9:00 A.M. at the Greater Lynchburg Transit Company, 419 Bradley Drive, MaryJane Dolan, President, presiding. The following members of City Council were present:

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|--|---|
| Present: MaryJane Dolan, Beau Wright Jeff Helgeson, J. Randolph Nelson, Treney Tweedy, |   |
| Sterling A. Wilder, Chris Faraldi,   | 7 |
| Absent:  | 0 |

// Dr. Chris Chmura, CEO of Chmura Economics & Analytics, presented Council with an economic update and overview of both the U.S. and the City of Lynchburg.

Councilmember Nelson asked if the housing values will go down or if they just won't go up as much. Dr. Chmura replied that she wouldn't be surprised to see them go down a little bit, but not as much as 2008/2009.

Vice Mayor Wright asked if as you go into a recession, you could see a lag in other revenue sources; Dr. Chmura replied, yes.

Councilmember Helgeson asked if the more you tax something, the less you see of it; Dr. Chmura replied that was correct. Councilmember Helgeson stated that if the tax rate were lowered, there would be a subsequent boom.

Councilmember Nelson stated that he has always advocated for lowering the Meals Tax since more people would benefit. He asked Dr. Chmura if she would agree that lowering a Meals Tax is a more compassionate movement to take to benefit the population that are impacted by inflation. Dr. Chmura replied yes, but it wouldn't directly benefit the poorest population because they often don't have the luxury of dining out.

// Chris DeLacy, Partner, Holland & Knight, presented Council with infrastructure investment and Jobs Act funding opportunities for the City of Lynchburg.

// Kent White, Director of Community Development, and Sarah Quarantotto, Executive Director of Miriam's House, provided Council with an overview of housing in the City of Lynchburg.

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Councilmember Helgeson asked if with the density bonus, if the City is charging people more if they are all in one area. Mr. White replied that the bonus goes to the developer, so they would be allowed more density if they provide more affordable units within the are.

Councilmember Wilder asked if the purpose of the density bonus was to have mixed income housing? Mr. White replied yes, you could have 20 but you can have 23 if you ensure three are affordable.

Councilmember Dolan asked what kind of research have you had or seen about younger people not wanting to own? Mr. White replied that he has not seen this personally, but there are studies out there that do show that.

Councilmember Helgeson stated that it's best practice to have as many owner-occupied homes as possible and Council needs to put the brakes on putting more apartments and condos and transient housing.

Councilmember Wilder asked if there are resources to give people if they want to renovate a house; Mr. White replied that currently the City does not, but there are some localities that do.

Councilmember Wilder stated that he likes the idea of the housing trust fund and would like to see an investment in this area during the budget process.

// Donna Witt, Chief Financial Officer, provided Council with an overview of the FY 2022 Analysis of Unassigned General Fund Balance and the Fiscal Year 2022 Adopted Budget to Estimated Actual.

// The meeting adjourned at 3:00 p.m.

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Clerk of Council

October 11, 2022

// A regular meeting of the Council of the City of Lynchburg was held on the 11<sup>th</sup> day of October, 2022, at 4:00 p.m. in Council Chamber, City Hall, MaryJane Dolan, President, presiding. The following Members were present:

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|---|---|
| Present: MaryJane Dolan, Beau Wright, Chris Faraldi, Jeff Helgeson, Treney Tweedy, Sterling A. Wilder | 6 |
| Absent: J. Randy Nelson   | 1 |

// In the matter of Schools, Agenda Item #1, Dr. Crystal Edwards, Superintendent of Lynchburg City Schools, presented the Lynchburg City Schools Achievement Preview to Council. At the September 20, 2022 School Board work session, the Spring 2022 SOL Achievement results were shared, and all related information was available on the website. Ms. Amy Pugh, Deputy Superintendent, stated there were 8 schools in the Lynchburg City School system that were fully accredited and 8 that were accredited with conditions. For most cases at the elementary level, science had been of difficulty, so they were focusing on learning recovery and grade level standards, including more hands-on learning of science with help from a STEM specialist. One of the two high schools was fully accredited and the other was accredited with conditions due in part to the drop-out rate. This year, they were partnering with Virginia Careerworks and Human Kind, identifying students at both high schools and at high school alternative programs to assign career navigators to students who were at risk of not completing school on time to give more support. Mr. Sam Coleman, Chief Academic Officer, walked the Council through the 2021- and 2022-SOL comparisons by race and subgroup. Learning recovery was noted in all categories between years, so progress was continuing to be made towards learning achievement goals. Dr. Edwards walked Council through shared information about the comparison of Lynchburg City Schools and other Virginia cities with SOL achievements and other school quality profile program achievements. Mr. Coleman listed the current strategies for closing gaps and the key focus areas to increase achievement and growth results. Dr. Edwards said that as they examined the middle schools, they were researching how to expand gifted program opportunities through implementing a lab school model with community partners.

Councilmember Faraldi asked why the only years of data were 2020, 2021 and 2022. Dr. Edwards said that longitudinal SOL data was available, but the concern raised when the scores were presented last year was what was going to be done to improve, so that was the baseline of looking at

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student's placement and their growth. Councilmember Faraldi asked how the historical data, which showed little to no growth, related to the information presented today. Ms. Pugh said that the focus was currently on the most recent years of learning recovery and growth assessment of students. Dr. Edwards said that she understood Councilmember Faraldi's concern about the historical data, but she could only answer to the data that was collected under her tenure and the efforts undertaken to help children rebound from Covid-19. Councilmember Faraldi said that the historical data did not look good, and there were questions that must be asked as to what the School Division was doing to support the Superintendent in accomplishing the goals of the City for the School Division. Dr. Edwards said that last year, the division implemented the iExcel assessment program in order to track the achievement of children in the school system and compare them to themselves year over year rather than comparing to different classes of students.

Councilmember Tweedy said that there were noteworthy increases in testing achievements for Black students and economically disadvantaged students that should be recognized. She said that she hoped the reduction of poverty in the City would have an effect on the school system and decrease the deficits in the school system. She said that expanding the model of the schools was exciting, and she wondered if these necessitated being labeled lab experiment schools in order to receive state or federal funding. She asked if there was a breakdown of the education and background information on teachers in the school system, and if there was knowledge of how that factored in when they were a very urban school division, and how that may affect the outcome of students' testing scores. Mr. Coleman said that many teachers found that their prep programs did not prepare them for what they faced in classrooms today, so as a learning organization, they wanted to develop the skillset of teachers through instructional coaches and professional development. Councilmember Tweedy noted that there were Career Technical Education opportunities in the school system, and progress continued in aligning them more with economic development and business needs in the City.

Councilmember Helgeson said that there was room to grow, and they must recognize that 50% pass rates were not good compared to the pre-pandemic 73% pass rates. He asked how they dropped so far so quickly. Dr. Edwards said that the drop-in accreditation was a state-wide phenomenon and had not been contained exclusively to Lynchburg, and could be viewed in state data. Councilmember Helgeson

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noted that other local private schools had stayed open to offer education to students during the pandemic, and having choice and competition was important for parents to have. Dr. Edwards said that they must support the students who were succeeding in the schools as well as those who were not, and while acknowledging that a 50% pass rate was not a good rate, 73% was not an acceptable goal either, so they would continue to try new strategies and maintain forward progress with their children. Part of the school quality report included information regarding efforts to reduce chronic absenteeism and providing more mental health services for younger students. Councilmember Helgeson asked what was being done with regard to discipline in classrooms. Dr. Edwards said that the first line of action was to contact the child's family to find what was the root cause of the behavior, then to provide family and administrative support. Recent behaviors exhibited by some children resulted in destructive episodes that went beyond the level that teachers' training prepared them for, so additional support was needed. Councilmember Helgeson asked if problem children were removed from classrooms as soon as possible. Dr. Edwards said that yes, all best practices and strategies were implemented, and because absence from school was not proven to alleviate the issue, they tried to work with the supports of the child, including clinical, family, counseling, and school staff support. Many schools had calm-down rooms where children could safely be removed from situations in order to calm down. Councilmember Helgeson asked if transportation assisted in allowing children to attend schools for partial days. Dr. Edwards said that yes, although drivers were needed for transporting children to the schools of innovation. Councilmember Helgeson said that if the schools rezoned, the transportation would not require driving all around town. He asked if redistricting was being considered. Dr. Edwards said that they were currently performing a facilities study, and their educational consultant would work on student assignment to schools, which was part of the educational programming, as well as the zoning of the schools. Councilmember Helgeson asked if rezoning could be done at any time. Dr. Edwards said yes, but they were waiting for the completion of the facilities study before applying any approaches in order to sustain an efficient solution.

Councilmember Wilder said that some children attended schools far away from their neighborhoods because specific schools offered specific programs that those children attended, so transportation was necessary to pick up children all throughout the community. He asked Dr. Coleman how they would be addressing and working with teachers who came from a predominantly white

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background in order to prepare them for being in the predominantly African American, multicultural environment of Lynchburg City schools. Dr. Edwards said that the Office of Equity and Inclusion normally gave a family simulation presentation at the beginning of each school year, which gave teachers and administrators a glimpse into the life of what family life could be for some children that they may not have had experience with yet. It was also acknowledged that educators must sometimes change their key strategies in order to understand the children of different cultures. A large part of this research came from neighborhood relationship building, so that the places that students brought with them to school were understood when trying to find the best educational strategies for them. Dr. Coleman said that children of all identities had the right and the ability to learn, and he prioritized leveraging the professional learning community opportunities to apply culturally relevant teaching strategies to other strategies to support students in the classrooms. Dr. Wilder asked how communications with local universities explained that policies or teaching methods may need to be changed or reevaluated. Dr. Coleman said that they had not yet begun working with universities to define how they prepared their teachers, but to prepare their own teachers in the school system, they prioritized equity and cultural and racial identities as a lens through which they practiced. There were some things that could be done in partnerships to provide feedback to universities, and there were more things they could do when developing their own teachers with development opportunities through that cultural lens on a weekly or monthly basis. Dr. Wilder said that it was a worthwhile conversation to have with higher-level institutions, especially those in the area. He said that it would be useful to know the race and subgroup makeup of the children attending private schools versus public schools in Lynchburg. It was important to highlight that LCS offered CTE programs that were not offered through private institutions, as well as work with the career navigators to give children opportunities and career paths to curb the drop-out rate.

Vice Mayor Wright asked if Lynchburg had the highest cost per pupil in the area. Dr. Edwards said that she could return with information about the cost per pupil in the surrounding counties. Vice Mayor Wright asked if the per pupil spending for peer cities could also be provided. Dr. Edwards confirmed that she would provide the data to Council. Vice Mayor Wright asked what Dr. Edwards had in mind when she had requested the Council to join them in this effort. Dr. Edwards said that she was highly aware of the issues in the school system and in each individual school, but constantly discussing the

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deficits reduced the significance of the growth and progress that was being made. All public departments wanted to attract top talent to their organizations, but no one would want to come to the city if the City Council did not promote the positive aspects of the city, and children would not have a positive experience in the schools if the community around them did not support the school they were in. Vice Mayor Wright asked if funding formulas would be discussed during this upcoming budget season or was something to be expected next year. Mr. Benda said that the answer came down to how quickly the two bodies could agree to a number, and different funding formulas and calculations could be used. He said that they were discussing the school funding formulas in preparation of the budget, and while he would like to see it in FY 24, he was hopeful it would be in FY 25.

Councilmember Tweedy asked how the published data related of the city schools compared to data published about private schools. She said that this may indicate how students in all schools interacted with the economic development and career opportunities in Lynchburg. Mr. Benda said that he did not currently know, but could inquire about that information.

Councilmember Wilder said that the problems faced by the schools were a community-wide problem, so they must all work together to solve those problems.

Mayor Dolan asked if it would take multiple years to get back to the 73% rates from the current 50% rates. Dr. Edwards said that they would certainly try to reach it, and they would continue to work with students to reach 100% passing the SOLs.

// In the matter of Planning, Agenda Item #2, a report on Enterprise Drive had been pulled from the agenda. City Manager Wynter C. Benda stated there must be a study performed before moving forward with any projects solving the traffic speed issues, so the item would not be engaged at tonight's meeting.

// In the matter of Finance, Agenda Item #3, Council received a presentation about City Financials. Mr. Greg Patrick, Deputy City Manager, gave a summary of the economic update and overview for the U.S. and City of Lynchburg presented by Dr. Chmura that previous week at the Council's retreat. The national economy was experiencing a tight labor market, with high inflation driving Fed behavior, and recession was likely. The City of Lynchburg is growing slower than the nation on average, and Liberty University boosted growth. Lynchburg is also currently experiencing the tight labor market and now more than ever, economic developers need to work with educators. Inflation is currently at a 40-year high, and could lead

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to recession if the Fed continues to raise rates. It was unclear if the economy currently was experiencing a recession based on the evaluation of the metrics used by the National Bureau of Economic Research, but the economy was slowing in terms of job ads since June 27, the federal treasury interest rates had resulted in an inverted yield curve for borrowing rates, and real GDP was slowing, which indicated an official recession. He walked Council through the projections for the city's industry and employment growth for the next year. The implications of recession may not be seen at a local level immediately because the local revenues lagged the economy by a year or two, but a recession is highly likely, and sub-part growth will last for more than one year.

Councilmember Wilder asked if the average salary for workers in Lynchburg, including Liberty University, was known. Mr. Patrick said that he was unsure if they had the information with and without Liberty, but the average wage for jobs in Lynchburg was approximately \$50,400. Councilmember Wilder asked if more information could be provided. Mr. Patrick said yes.

Councilmember Tweedy asked if there was information available related to the average pay of technical skills and customer service jobs at Liberty University. Mr. Benda said that that information had recently become available, so that data could be provided. Councilmember Tweedy said that there were 6,000 jobs projected to be available in Lynchburg, so they must ensure that people had the training and opportunities to access and succeed in those jobs.

Ms. Witt, Chief Financial Officer, stated that the year's ending fund balance was estimated to be about \$66M, or approximately \$16M more than last year's \$49.8M. The revenues came in over budget by about \$14.5M, and expenditures were below the budget by about \$7.7M. The list provided to Council showed that all economically-related revenues came in much higher than projected because the FY 22 projections were made while the economy was closed due to conditions of the pandemic, and it was not until the last quarter of FY 21 that the economy began to open back up. The budget had already been adopted at that time, so the revenues were well above what was projected. She noted that the business license tax came in at \$1.2M more than projected, which was based on gross sales for businesses in 2021, and the real personal property tax came in at \$500,000 less than projected. In March, the Commissioner of Revenue recommended that they reduce the ratio for assessments, so the assessments

went up for the first time in history. The City Council had already made an adjustment for that property tax and was included in the documents.

Councilmember Faraldi asked if the \$2M was with the adjustment that Council made. Ms. Witt said yes. Councilmember Faraldi asked if the 25% ratio adjustment resulted in \$2M more than what was expected. Ms. Witt said that a lot of that came in with the December 5, 2021 installment, but some growth was seen with the first installment on June 5 even though they reduced the assessment by 25%. Councilmember Faraldi said that if the revenues were still coming in above the projections, they must revisit the issue. Ms. Witt said that the ordinance was good for one tax year, so the Commissioner of Revenue made a commitment to present the information again in March for the next tax year. She noted that continued vacancies in staffing resulted in \$4.2M less than what had been projected in terms of both salaries and benefits, which was \$1.5M higher than the city's historical maximum. Operational savings were \$1.3M due to the Finance Committee not using the fund for contingencies and the Blue Ridge Regional Jail returning \$1M for per diems.

Councilmember Helgeson said that the city financial presentations along with the unassigned funds balance gave the impression that the City was in great shape with finances, but the economic forecast showed that the citizens were not due to inflation and the slowing economy. The local government could alleviate the pressure of inflation by giving excess real estate tax revenues back to the citizens. The rates must be corrected fully in the last bill and in the bills going forward so that the City could budget and plan for it.

Councilmember Tweedy asked if excess funding could be used towards workforce development initiatives in public safety departments as part of their investment in infrastructure. She asked if the one-time funds could be invested as incentive bonuses to fill necessary public safety positions. Mr. Benda answered yes. Councilmember Tweedy asked if current incentives offered could be increased. Mr. Benda answered yes.

Councilmember Faraldi said that with the surplus \$14M they could offer substantial tax relief to citizens while still investing in the City, and there were many options to do so. Mr. Freedman clarified that there was only one statute in state law that permits governing bodies able to return what was deemed surplus revenues to citizens by a method determined by the local governing body. Those revenues must

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be specific to surpluses in personal property taxes and real estate taxes, which according to Ms. Witt existed in the approximate amount of \$2.5M.

Councilmember Wilder asked when the last time the real estate tax rate was changed. Ms. Witt said that it went to \$1.05 and was increased back to \$1.11 in 2013. Councilmember Wilder asked for clarification that the real estate tax had not changed but stayed the same. Ms. Witt said that was correct, it had not been changed in almost ten years. Councilmember Wilder asked if the fund surplus issues should be addressed at this time or during the budget process. Ms. Witt said that she had just received some of their August data this week, and some of it was trending upward, but it should be noted that the projections were based on an open economy, so it was not anticipated that these types of revenues would be occurring in 2023. Councilmember Wilder asked if this information was normally addressed during the budget process. Ms. Witt said yes. The money that filled the fund balance would be looked at when budgeting for 2024, and typically any excess unassigned funds went towards capital one-time expenditures. Councilmember Wilder asked if that timeframe would be in March or April. Mr. Benda said that one-time funds could be used for initiatives that the City Council was interested in invested in, and it was understood that Councilmembers desired multiple options for decision-making, so staff would ensure options were provided. The formal budget process began with departments determining how to structurally balance FY 24 expenses and revenues, but there would be an aspect of the budget that would take into account the surplus the City had.

Vice Mayor Wright said that based on the data the City provided, cutting the real estate property tax would benefit the wealthiest property owners in the city, because they would receive a disproportionate share of the rebate for their very valuable properties. It was of concern that there was suggestion to cut the taxes back without recognizing the various ways in which the City needs investment, such as the debt load, school facilities, the Housing Trust Fund, and difficult-to-fill public safety positions. The Council must look at all options available to them, including how they could mitigate the current and future challenges they knew the city was facing.

Councilmember Faraldi said that he disagreed with Vice Mayor Wright's characterization of his comments regarding lowering taxes, because he was simply requesting options for how to give some relief to citizens in some form.

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Councilmember Tweedy said that she agreed that the wealthiest in the City would receive the highest rebates from cutting the real estate tax, and those with less means needed additional services because they did not have the options afforded to the wealthy. She said it was of concern that they still were debating whether or not to invest in their growing City, because more residents resulted in more demand for public services. The tax rate had been raised in the past to avert laying off City employees, so there was question as to whether future tax cuts would result in those staff reductions.

Councilmember Helgeson said that the \$5M tax increase last year was unnecessary, so even if they were benefitting those wealthiest property owners in the City, it should be acknowledged that they should give back the previous amount that they should not have taken. He agreed that this topic was related to the budget process and was discussed when they heard from citizens, but Council decided that the citizens did not matter. He said that after they gave back to the citizens who they had overtaxed, they should adjust the real estate tax rate or meals tax because it was not needed to be so high.

Councilmember Tweedy said that a citizen had recently asked her if public speakers who had requested a tax reduction were developers or homeowners. Renters understood taxes and tax relief, and people were questioning if developers or landlords would be receiving a rebate and if that would be reflected in reducing charges to renters. They also were a city that operated with a large college student population, so the tax rates related to tourism should be evaluated. It should also be analyzed how college students affected the housing and real estate markets in the community, because they did not live in owner-occupied homes. Mr. Benda said that he had no data related to the pass-through of rebates to landlords and renters. Councilmember Tweedy asked if it could be assessed how those rebates were affecting those citizens versus developers in the City. Mr. Benda said yes, he could provide that information to Council.

Mayor Dolan said that she felt this conversation would be most appropriate for the FY 24 budget process, because reopening the FY 23 budget would be greatly difficult.

Councilmember Helgeson said that he had brought this issue up with the budgets of past fiscal years as well, because the taxes did not need to be raised due to the values of real estate increasing over the past decade. The Council should support the citizens who came to speak publicly to the Council about what would make Lynchburg better in terms of economic development.

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Vice Mayor Wright said that the investment in the City's downtown and neighborhoods had brought important development and growth to the economic development of the City, and that resulted in a higher quality of life for everyone.

Councilmember Tweedy said that the City should be taking a deeper look into how their investments affected the housing market, and how they could balance the housing market to allow for more owner-occupied homes in the City. The economic investments of the City had shown to have profitable returns in creating an environment that attracted people and development to the city, furthering its growth and stability. Due to the high status of Lynchburg as a college town, people appreciated the investment.

// In the matter of Business Item Briefings, Agenda Item #4, Council decided to move the following scheduled items to the October 25, 2022 meeting:

- Bikes Unlimited Lease
- Prohibiting the Feeding of Deer Ordinance
- Support of Campbell County SMART SCALE Application
- Business License Tax

// In the matter of Roll Call, Agenda Item 5, Councilmember Tweedy stated that she attended the Chauncey Spencer statue dedication at the Lynchburg Airport, which was a well-attended and great event with many organizations represented to discuss Mr. Spencer's iconic role in aviation and his other ventures in life.

Councilmember Helgeson said that he read in the paper that their previous Commonwealth Attorney had said that they had not had enough staff or resources to prosecute misdemeanors and that it was happening again. He said that the front page said that the Commonwealth Attorney did not have the resources, and that was something that must be expeditiously solved. When some of these misdemeanors went unpunished, crime in Lynchburg was soaring through the roof, so they needed to get a handle on this. Not prosecuting misdemeanors is not a good thing, and they needed to get on that.

Mayor Dolan clarified that the police would continue to prosecute misdemeanors, so criminals would still be charged. Councilmember Helgeson said that they would be arrested, but prosecution was

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through the court system. Councilmember Tweedy asked Chief Zuidema if longitudinal crime data could be presented in a report to Council at the next meeting.

Councilmember Faraldi said that he had a phone call regarding development behind the Wendy's in Timberlake, and while he could not recall the road name, he would like staff to get background on a petition for a rezoning or conditional use permit near the Kroger. It appeared to be a development building off of a previous community, and he would email staff about the street. He said that if any information could be provided, it would be helpful.

Councilmember Wilder said that the Pink football game for E.C. Glass had a dinner tomorrow and the game was on Friday. He said that E.C. Glass had done a great job supporting cancer awareness, and Ms. Kay Vaughn worked with the football team at E.C. Glass for the project. He thanked all the supporters of that project and who continued to support and care for that community.

Mayor Dolan stated that this afternoon, the Fire Department held their annual memorial service to honor the lives lost in service to the City of Lynchburg. It was a moving and beautiful service at the backdrop of the Fireman's Memorial Fountain in Miller Park. On the back of the program is the Fireman's Prayer, and near the end of the prayer it reads, "I want to fill my calling and give the best in me to guard my every neighbor and protect his property." These men we honor today gave their best. She asked that they pause for a moment to reflect and honor those people.

// On motion of Vice Mayor Wright, seconded by Councilmember Helgeson, Council, by the following recorded vote, elected to hold a closed meeting to discuss an active law-enforcement lawsuit currently faced by the City, pursuant to §§ 2.2-3711(7) and 2.2-3711(8) of the Code of Virginia, 1950, as amended.

With no discussion from Council, the following vote was recorded:

|  |   |
|--|---|
| Ayes: Dolan, Wright, Helgeson, Tweedy, Wilder, Faraldi | 6 |
| Noes:  | 0 |
| Absent: Nelson   | 1 |

// The meeting was reopened to the public.

// Councilmember Helgeson made the following motion:

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WHEREAS, the Council of the City of Lynchburg has convened a closed meeting on this date, pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act; and

WHEREAS, Section 2.2 3712 of the Code of Virginia requires a certification by City Council that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Lynchburg certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by Council.

The motion was seconded by Vice Mayor Wright, and Council, by the following recorded vote, adopted the motion:

Ayes: Dolan, Wright, Helgeson, Tweedy, Wilder, Faraldi 6

Noes:

Absent: Nelson 1

// The meeting was recessed at 6:52 p.m.

// City Council reconvened the meeting at 7:30 p.m. The following members were present:

Present: MaryJane Dolan, Beau Wright, Jeff S. Helgeson, Treney Tweedy, Sterling A. Wilder, Chris Faraldi 6

Absent: J. Randy Nelson 1

Vice Mayor Wright gave the Invocation, followed by the Pledge of Allegiance.

// In the matter of Recognitions, Mayor Dolan proclaimed the month of October as Domestic Violence Awareness Month. Ms. Linda Ellis-Williams, Director of Victim Services, YWCA, was in attendance to accept the proclamation.

Mayor Dolan also proclaimed the week of October 9 – 15, 2022, as Fire Prevention Week. Fire Chief Greg Wormser was in attendance to accept the proclamation.

// In the matter of Agenda Item #7, a public hearing was held and Council considered adopting a Resolution #R-22-061 approving the *Dearington Neighborhood Plan* as part of the *Comprehensive Plan*

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2013-2030. City Council was previously briefed on this item at the August 23, 2022 City Council work session. Ms. Rachel Frischeisen, Acting City Planner, gave a summary of the item to Council. The Dearington Neighborhood Plan was developed by City staff and based on input received from the neighborhood at two public events, steering committee meetings, a neighborhood survey, and numerous conversations over the years. The plan effort was modified due to the COVID-19 pandemic and a concern over ensuring the meetings would be inclusive enough with varying comfort levels in gathering. The draft plan recommendations have a focus on City-owned property, programming, and right-of-way, mainly from a recreation and parks perspective with the aim of transforming previously neglected spaces into valuable neighborhood assets that help the Dearington Neighborhood reach its full potential.

Robert Flood stated that he was speaking on behalf of the NAACP and as a concerned citizen. He said that he was a member of the committee Ms. Frischeisen served on, and it was a beautiful thing they were doing in Dearington that was past due, however, there was concern about the methane gas emitting from the ground. He said that people who lived in Dearington knew that entire area had been used as a dumpster in 1961, when the City took garbage and used it to fill in the swimming pool of the predominantly Black neighborhood, then built houses on top of it. The first survey studying the methane gas emissions was not done until 2014 under the previous City Manager, and many current residents did not know that they were living on a former landfill. He said that he supported the project, but requested that City Council wait to proceed with funding until another survey of the gas was completed and they had full knowledge of the situation.

Kimberly Dyke-Harsley stated that she was a resident of the City of Lynchburg. She said that she was in favor of the Dearington Neighborhood Improvement Plan with conditions, which she said as a former resident of Dearington, and as the city liaison for the Environmental Justice Committee of Virginia Organizing. The methane gas issue had been known for a while, and she would like to see the results of the September 8 study. She said that the number one issue in Dearington was safety, due to speeding and not enough stop signs, and effective lighting was needed in the area. She requested that a safety plan be developed prior to this budget cycle so that it could be incorporated, and with those conditions she would support the project.

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Angela Payne-Cox said that she was a citizen of Lynchburg and was in favor of the transformation that would happen in Dearington. She said that she agreed with the previous speakers about the issue of the gas. The September 8 study stated that as long as nothing was built on top and the gas was not in an enclosed area, the gas was not harmful, however she had lived in Dearington, and she was on the committee and was supportive of the improvements to the community. There had always been a negative connotation associated with Dearington and the apartments at Dearington, and she was unsure how aggressively input had been gathered from residents about what they wanted, but she would support those families. Dearington was established as a working-class community for people to live in and save resources to become homeowners, and improving the community would give those living in the apartments the incentive to become homeowners in the neighborhood.

There was no one else to speak in favor or opposition, either by phone, email, or in-person, so the public hearing was closed and the matter rested with Council.

Councilmember Wilder asked if construction was planned on the portion of the site that had been used as a landfill. Ms. Frischeisen said that the only planned structure near the pool site was a potential walking trail, composed of either earth or permeable asphalt, but that would require due diligence before they pursued that to prevent future issues. Councilmember Wilder asked if there were any other projects where landfills had been used for other projects. Ms. Frischeisen said yes, there were examples of landfills being used for passive recreational purposes because building an enclosed structure was not usually possible without puncturing the landfill cover. Councilmember Wilder asked if the most recent study on the methane gas at Dearington was available to the public. Ms. Frischeisen said yes, it was currently on the website and she had highlights of the study available. At Dearington Playground, 186 readings found detectable levels of methane gas out of the 1,200 readings were taken, and the maximum concentration at Dearington Playground was 0.139%. At Jefferson Park, 1,800 readings were taken and 150 of those detected methane, and the maximum concentration was 0.0.5%. In the text, the consultant talked about these readings being well below the threshold of regulatory standards of VDEQ.

Councilmember Wilder asked if it was known what the residents of the area desired to have happen near the area of the landfill since it was known to be somewhat of an issue. Ms. Frischeisen said that what the conclusions and report say were basically what the plan had already included in its text, which was to limit

excavation in the area, not dig down into the area that contained the landfill, and there should be no enclosed structures on the landfill. Councilmember Wilder asked if efforts to reduce the methane gas emissions could be undertaken or if it was best to leave it alone. Mr. Clay Simmons, Deputy Director of Public Works, stated that unless there was some change in the current levels being emitted, the recommendation would be to leave it as it currently is. He said that adding fill and cover was possible for areas that experienced settlement, and could be incorporated into any projects taking place in the area. As far as performing any significant remediation, there were not levels of emissions that warranted it at this time. Councilmember Wilder asked what was being done to address the traffic and lighting issues in the area. Ms. Frischeisen said that there were some traffic calming recommendations in the plan, and speed was definitely an issue that was raised by the neighborhood as something that needed improvement so that was addressed. Councilmember Wilder asked when the housing development project in the area would begin. Ms. Frischeisen said a study was currently being done through Virginia Housing that was analyzing how to achieve more infill housing in the Dearington neighborhood, where vacant lots existed for potential new homes.

Mr. Flood requested Ms. Frischeisen provide information on the survey from the consultant. Ms. Frischeisen said that the survey was completed by a group called TRC, formerly Draper Aden, the firm previously used for gas monitoring events in the park. They compared the results to standard set by VDEQ, which were in the report as 1.5% methane by volume in enclosed structures, and the lower explosive level was 5%, which the recorded levels were well-below.

Councilmember Tweedy asked Ms. Frischeisen what VDEQ stood for. Ms. Frischeisen said it was the Virginia Department of Environmental Quality. Councilmember Tweedy said that she was a member of the Housing Authority, and they had developed the plan for the new Dearington Hills, which would add more than 200 units of mixed housing types where the Dearington neighborhood is. She asked if Ms. Frischeisen could speak to the collaboration of the City, residents, and the Housing Authority in achieving a strategic plan overall for the neighborhood. Ms. Frischeisen stated that the last chapter of the Dearington Neighborhood Plan was future planning efforts, and even though LRHA was its own entity, it talked about the future reimagination of the Dearington apartments. It would definitely be a collaboration between the two bodies of the City government and LRHA. Councilmember Tweedy asked if all

information would be shared between groups when it came time to redeveloping the area. Ms. Frischeisen said yes.

Councilmember Faraldi motioned, seconded by Vice Mayor Wright, to approve the Resolution #R-22-061 approving the Dearington Neighborhood Plan as part of the Comprehensive Plan 2013-2030. Councilmember Faraldi said that the residents who spoke publicly about their concerns in handling this delicate aspect of their community had his commitment to be mindful of how they developed that area before putting any resources towards it. Vice Mayor Wright said that this was an excellent plan developed by the community and City staff, and they now had to face the issue of funding it and monitoring the former landfill site to ensure it remained safe. Councilmember Wilder asked what the approximate dollar amount was for investment in the community. Ms. Frischeisen said that the information was contained in the implementation matrix in the back of the plan. Councilmember Wilder asked if the City was planning to invest millions of dollars into the community. Ms. Frischeisen said yes, and it would be through a combination of funding sources. The act of Council approving the plan allowed them to go out and seek grant funding for the project. Councilmember Wilder asked what the time period was for the plan. Ms. Frischeisen said that there were a number of short and long-term goals, and the plan detailed what would be completed in 5, 10, and 20 years. Councilmember Wilder said that the long-term plan allowed them to continue to evaluate the methane gas and measure the residents' comfort level with continued community input.

Councilmember Helgeson said that the measured methane levels were well below the thresholds published by the VDEQ. Ms. Frischeisen confirmed that the levels were far below the threshold. She said that further study was in the plan, and it was understood that if anything was near any site such as this, they needed to do more monitoring and studying.

Councilmember Tweedy asked if there was an ongoing monitoring schedule or if it was just a plan that triggered the monitoring. Ms. Frischeisen said that it was asked of the consultant if they needed to implement a regular monitoring schedule, such as every two years, but the consultant did not feel that there was a need to do so because the concentrations were so low. Mayor Dolan asked if the answer was no. Ms. Frischeisen said there was not a set monitoring schedule at this time. Councilmember Wilder asked if additional studies could be requested going forward. Mr. Benda said that was correct.

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Councilmember Tweedy said that the community wanted to ensure the neighborhood would be safe going forward, and with the context of how they arrived at this point, citizens wanted to see ongoing monitoring in some capacity to fully know and have a record that the records continued to be low.

With no further discussion from Council, the following vote was recorded:

|  |   |
|--|---|
| Ayes: Dolan, Wright, Helgeson, Tweedy, Wilder, Faraldi | 6 |
| Noes:  | 0 |
| Absent: Nelson   | 1 |

// In the matter of the Airport, Agenda Item #8, a public hearing was held and Council considered adopting a Resolution #R-22-062 authorizing a Fuel Farm Lease Agreement between the City of Lynchburg and Freedom Aviation. Council was previously briefed on this item on September 27, 2022. Mr. Andrew La Gala, Airport Director, gave a summary of the item to Council. The City of Lynchburg owns three (3) aviation fuel storage tanks and related pumping equipment located in the fuel tank farm at Lynchburg Regional Airport. This agreement would be between the City of Lynchburg and Freedom Aviation for the lease and use of the airport's fuel farm facility. Our current Freedom Aviation Fuel Farm Agreement is due to expire on June 30, 2023. Freedom Aviation has approached airport administration to renew this agreement in order to keep the dates closer to their Fixed Based Operator agreement that was approved by City Council earlier this year. The proposed agreement would be for five years with a five-year option to renew at the end of the initial term. The business terms of the agreement will remain as the previous agreement with some required Federal Aviation Administration standard language updates. There is a statutory requirement for a public hearing prior to leasing City property.

There was no one to speak in favor or opposition, either by phone, email, or in-person, so the public hearing was closed and the matter rested with Council.

Vice Mayor Wright motioned, seconded by Councilmember Wilder, to adopt Resolution #R-22-062 authorizing a Fuel Farm Lease Agreement between the City of Lynchburg and Freedom Aviation.

With no discussion from Council, the following vote was recorded:

|  |   |
|--|---|
| Ayes: Dolan, Wright, Helgeson, Tweedy, Wilder, Faraldi | 6 |
| Noes:  | 0 |
| Absent: Nelson   | 1 |

// In the matter of the Airport, Agenda Item #9, a public hearing was held and Council considered adopting a Resolution #R-22-063 authorizing a lease agreement between the City of Lynchburg and ARINC, Inc. Council was previously briefed on this item on September 27, 2022. Mr. La Gala, Airport Director, gave a summary of the item to Council. ARINC is requesting a lease agreement for their ACARS (Aircraft Communications Addressing and Reporting System) equipment. ACARS is a digital datalink system for transmission of short messages between aircraft and ground stations via airband radio or satellite. This request is for a 5-year lease with an option to renew for up to five (5) successive one (1) year terms. The rental rate shall automatically increase by two percent (2%) on the first day of each anniversary of the rent commencement date.

There was no one to speak in favor or opposition, either by phone, email, or in-person, so the public hearing was closed and the matter rested with Council.

Councilmember Helgeson motioned, seconded by Vice Mayor Wright, to adopt Resolution #R-22-063 authorizing a lease agreement between the City of Lynchburg and ARINC, Inc.:

|  |   |
|--|---|
| Ayes: Dolan, Wright, Helgeson, Tweedy, Wilder, Faraldi | 6 |
| Noes:  | 0 |
| Absent: Nelson   | 1 |

// In the matter of Economic Development, Agenda Item #10, Council considered adopting an Ordinance #O-22-064 approving the proposed boundary adjustments to the James River Arts and Cultural District. Council was previously briefed on this item on September 27, 2022. City Manager Wynter C. Benda stated that it was recognized that by redrawing this district, there were some venues that would be paying into the newly drawn district rather than the general fund. Assistant Director of Economic Development, Ms. Anna Benston gave a summary of the item to Council. The Office of Economic Development & Tourism (OEDT) works to position arts and culture, and the organizations that serve our community, as a critical sector that contributes to the City's economic health. To this end, the James River Arts & Cultural District was established in 2011. The program includes business incentives and an annual appropriation of amusement tax generated in the District granted by the Office of Economic Development & Tourism through an application process to support programs, events, and projects that drive traffic and spending

in the District. A consortium of arts and cultural organizations within the District has requested that City Council consider a boundary amendment to include the following changes:

- 1) the Central Business District extending up Fifth Street to Taylor Street to include the old City Cemetery and Legacy Museum, Madison House for the Arts, and up Rivermont Avenue to Bedford Avenue.; and
- 2) the Pierce Street Renaissance Historic District, including the properties adjacent to Pierce Street between Thirteenth Street and Fifteenth Street; and
- 3) the areas along Norwood Street, A Street, B Street, and Cabell Street encompass and include the Point of Honor.

Additionally, staff has added language to the ordinance to limit future boundary adjustments to protect the integrity of the arts and cultural district.

Councilmember Helgeson asked what the fiscal impact was of redrawing the boundaries to include more businesses to give taxes to the Arts and Cultural District. Ms. Benston said that according to the ordinance, the amusement tax generated in the district by organizations or events and activities happening in those locations were budgeted each year by Council to the fund that was then reinvested in the district. Mr. Benda said that between the three sites that were to be included, they did not have the numbers to articulate the fiscal impact of including those areas, so staff would have to return with that information for Council. He said that from a practical standpoint, adding these areas gave synergy that made good sense and had been discussed with stakeholders for a long time. Councilmember Helgeson said that he understood it would be a positive impact, but would like for it to be estimated in some way so that it could be anticipated for budgeting purposes. Mr. Benda said that the item could be addressed at the October 25, 2022 meeting so the fiscal impact would be known. Councilmember Helgeson said that he would be glad to vote for it at that time once those numbers were received.

Councilmember Wilder asked if the organizations being added would be eligible for support services from the Arts and Cultural District; Ms. Benston replied yes.

Councilmember Tweedy asked if the numbers to be provided were for informational purposes only. Mr. Benda said that at least one Councilmember was concerned about the detail and accuracy of the impact this action would have on the General Fund, and he did not have that information available

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tonight, so the action would be continued to the October 25, 2022 meeting. Councilmember Helgeson said that there was a fiscal impact with no known numbers associated, so the impact should be reflective. Councilmember Tweedy asked what the fiscal impact had been previously. Ms. Benston said that the amusement tax revenues, which were allocated by City Council, had grown steadily over the years, and in FY2020 it was \$91,205 and dropped slightly in FY2021 to \$81,079, and in FY2022, it was \$11,338, and in FY23, the fund is \$102,193. There were definitely larger organizations within the district that drive the majority of the amusement tax within the district, and the organizations proposed to be added did not charge admission for many events, so the incremental impact of the boundary adjustment would be minimal at this time. She said that she would be happy to provide numbers to Council when available. Councilmember Tweedy said that was appreciated. She stated that she was prepared to vote on the item because of the minimal impact of adding these new organizations to the district.

Councilmember Helgeson said that he was not in favor of voting for this until the fiscal impact was known and enumerated on the documents provided to Council.

Councilmember Wilder asked what information would be brought back on October 25, 2022. Ms. Benston said that she would provide a potential fiscal impact depending on historical data of the organizations considered. Councilmember Wilder asked if this would impact the planning process. Ms. Benston said no.

Councilmember Tweedy motioned, seconded by Councilmember Wilder, to adopt Ordinance #O-22-064 approving the proposed boundary adjustments to the James River Arts & Cultural District.

Vice Mayor Wright noted that he had served as an unpaid volunteer on the Board for the Pierce Street Gateway project, but had no hand in this proposal and was unaware of the presentation coming forward until a few weeks ago. He said that because he served in his unpaid capacity, he could fairly and impartially vote on this proposal tonight.

Councilmember Faraldi said that this project had his unfettered support, but it was of concern that Councilmembers wished to move forward without having full picture in relation to fiscal impact on taxes, regardless of the amount of impact, so he would be unable to support the motion.

Councilmember Helgeson said that it would be more appropriate to vote on the matter when more information was received in two weeks at the next meeting, and to allow Councilmember Nelson to

participate in the discussion. Councilmember Helgeson made a substitute motion, seconded by Councilmember Faraldi, to table the motion until the October 25, 2022 City Council meeting.

Mayor Dolan said that she could support tabling the discussion for Councilmember Nelson to attend, but disagreed that more information was necessary about this economic investment.

Councilmember Tweedy said that the Arts and Cultural District was an important investment that attracted more spending by visitors attending college events in the City. She asked what the historical investment in the district had been. Ms. Benston said that since 2012, the program had awarded grants totaling \$491,809 to 177 projects or programs, which yielded an estimated economic impact of \$22,329,660.

With no further discussion from Council, the following vote was recorded:

|                                     |   |
|-------------------------------------|---|
| Ayes: Helgeson, Faraldi             | 2 |
| Noes: Dolan, Wright, Tweedy, Wilder | 4 |
| Absent: Nelson                      | 1 |

Mayor Dolan called the vote for the main motion, which was to adopt the Ordinance. With no further discussion, the following vote was recorded:

|                                     |   |
|-------------------------------------|---|
| Ayes: Dolan, Wright, Tweedy, Wilder | 4 |
| Noes: Helgeson, Faraldi             | 2 |
| Absent: Nelson                      | 1 |

// On motion of Councilmember Wilder, seconded by Vice Mayor Wright, Council, by the following recorded vote, elected to hold a closed meeting to further discuss the evaluations of the City Manager, the City Attorney, and the Clerk of Council pursuant to Section 2.2-3711(A)(1) of Code of Virginia, 1950, as amended.

With no discussion from Council, the following vote was recorded:

|  |   |
|--|---|
| Ayes: Dolan, Wright, Helgeson, Tweedy, Wilder, Faraldi | 6 |
| Noes:  | 0 |
| Absent: Nelson   | 1 |

// The meeting was reopened to the public.

// Councilmember Helgeson made the following motion:

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WHEREAS, the Council of the City of Lynchburg has convened a closed meeting on this date, pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act; and

WHEREAS, Section 2.2 3712 of the Code of Virginia requires a certification by City Council that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Lynchburg certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by Council.

The motion was seconded by Councilmember Wilder, and Council, by the following recorded vote, adopted the motion:

|  |   |
|--|---|
| Ayes: Dolan, Wright, Helgeson, Tweedy, Wilder, Faraldi | 6 |
| Noes:  | 0 |
| Absent: Nelson   | 1 |

// The meeting adjourned at 9:17 p.m.

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Clerk of Council

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// A regular meeting of the Council of the City of Lynchburg was held on the 25<sup>th</sup> day of October 2022, at 4:00 p.m. in Council Chamber, City Hall, Beau Wright, Vice President, presiding. The following Members were present:

|  |   |
|--|---|
| Present: Beau Wright, Chris Faraldi, Jeff Helgeson, J. Randy Nelson, Treney Tweedy, Sterling A. Wilder | 6 |
| Absent: MaryJane Dolan   | 1 |

// In the matter of Economic Development, Agenda Item #1a, City Council received a briefing on the Hill City Bikes, LLC d/b/a Bikes Unlimited request for a lease of City-owned property at 1100 Jefferson Street. This item will appear before City Council for action on October 25, 2022. Ms. Marjette Upshur, Director of the Office of Economic Development and Tourism, gave a summary of the item to Council. Hill City Bikes, LLC d/b/a Bikes Unlimited, located at 1312 Jefferson Street, has requested to lease a portion of the City Owned Property at 1100 Jefferson Street. They plan to expand their existing business to include a food and beverage component named "OH! 4" and to create a more engaging and safe space on the City Owned Property surrounding their property. They plan to invest \$100,000 into building a family-friendly space and project \$250,000 annually in net new revenue. A five-year lease with the opportunity to renew has been drafted by the City Attorney. Hill City Bikes, LLC agrees to pay \$100 per month in rent. All maintenance shall be the responsibility of the lessor. Any work performed on the property must meet the City's requirements and be permitted accordingly. There is a statutory requirement for a public hearing prior to leasing City property.

Councilmember Nelson asked what improvements were contemplated for placement in the space as part of the lease. Ms. Upshur answered that it would probably be some fencing. Councilmember Nelson said that he knew there were restrictions of what could be put in the floodplain. Ms. Upshur said that Community Development and Water Resources staff had looked at exactly what could be installed in that area. Councilmember Nelson asked if whatever would be installed could be easily removed in the event of a flood; Ms. Upshur said yes.

// In the matter of Engineering, Agenda Item #1b, City Council received a briefing on the support of Campbell County SMARTSCALE Application in Lynchburg. This item will appear before City Council for action on October 25, 2022. Ms. Gaynelle Hart, Director of Public Works, gave a summary of the item to

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Council. VDOT has required and Campbell County have requested the City of Lynchburg to support their participation in a SMARTSCALE Application to construct improvements to Candler's Mountain Road from Campbell County into the City of Lynchburg. These improvements would add a right turn lane at Liberty View Lane. This would extend into the City along Candler's Mountain Road. The Campbell County Board of Supervisors approved their resolution in July. If the application is successful and the funding awarded, design would begin in August 2025.

Councilmember Wilder asked if Campbell County's submission of a SMARTSCALE project affected Lynchburg City's requests for SMARTSCALE projects. Ms. Hart said that was correct, this should not affect anything related to Lynchburg's SMARTSCALE projects.

// In the matter of the Police Department, Agenda Item #1c, City Council received a briefing on the Prohibiting the Feeding of Deer Ordinance. This item will appear before City Council for action on November 1, 2022. Mr. Ryan Ball, Chief Animal Warden, gave a summary of the item to Council. Colleagues with the Virginia Department of Wildlife Resources (DWR) connected with City staff concerning the extensive number of calls received pertaining to intentional and unintentional feeding of white-tail deer in the City. Written warnings and citizen complaints have increased significantly for both local animal wardens and DWR officers. Residents are actively purchasing feed for deer, which is laid out for consumption and/or placed into feeding dispensers. The practice of feeding deer in residential neighborhoods has been shown to correlate with increased traffic accidents, property damage, and introduction of other animals, including bear, in search of food. Also, DWR advised that concentrating white-tail deer over an anthropomorphic centralized food source potentially will increase the transmission rate of zoonotic disease (e.g., alpha gal, Lyme disease, rocky mountain spotted fever, etc.) that often cause life altering long-term health issues. Through subsequent meetings and dialogue between DWR, the City Attorney, Chief Animal Warden, Public Works, Parks and Recreation, and City Management, the attached proposed ordinance was developed to address the noted concerns.

Councilmember Faraldi asked if bow hunting was allowed in the City. Mr. Ball said that residents must abide by state laws and obtain a permit through the Lynchburg Police Department, and they tried to work with landowners of small parcels to get adjacent neighbor approval to hunt in the area. He noted that the main complaint about deer was that they damaged property. Councilmember Faraldi asked if

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peer localities had a year-long ban or just during hunting season. Mr. Ball said that approximately 30 out of 300 had a year-round ban, and those were mainly smaller urban localities. Councilmember Faraldi asked what education had been done to notify the public that they should not be doing this. Mr. Ball said that they had done a few social media posts about feeding deer throughout the year, and Animal Control and DWR tried to educate with every in-person call. Councilmember Faraldi said that he was unsure of what his action on this item would be because the education of the public should be considered before implementing a fined punishment.

Councilmember Tweedy asked how they proved people were feeding deer. Mr. Ball said that residents would often state it to the officers responding to calls. Some people had large bird feeders outside of their homes and would explain that they were for deer or other animals, and part of the code said that if someone were putting an abundance of food out and it was attracting deer to that location, after a warning they could be fined. Councilmember Tweedy asked if there was another way to lessen the deer population other than hunting them, such as feeding them. Mr. Ball said no, he had not seen any research related to methods other than culling and restricting feeding.

Mr. Matthew Overstreet, Region II Wildlife Manager, Virginia Department of Wildlife Resources, stated that the answer to the question of feeding them as an alternative to reduce the population was no. He said that it unfortunately augmented the population and increased their number by providing an anthropogenic food source, concentrating the deer into a locality, increasing the potential for disease, and therefore creating negative consequences for human health and safety. Councilmember Tweedy said that her question was if there was a food source that would decrease the population of the deer. Mr. ?? said no. He said that there had been studies to see if contraceptives could be given to deer, but it had shown to be a failure, and the only proven mechanism for reduction or maintenance of population was through a hunting effort, with archery being most preferable in cities for safety reasons. Councilmember Tweedy asked if there was no poison to kill the deer. Mr. Overstreet said that the problem with poison was that there would be non-target species impacted.

Councilmember Wilder said that it may be challenging to enforce this policy, and it may be more beneficial with an educational campaign to explain why people should not feed the deer. Mr. Ball said that the Department of Wildlife Resources did have a campaign that they could enhance and implement in

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Lynchburg. The civil fines did not necessarily have to be implemented for every case so long as complaints did not continue. Education was of most importance, and this policy was meant to keep the City as safe as possible. Councilmember Wilder said that information could be included along with residents' water bills so that they could be more educated about not feeding the deer. Mr. Ball said that he could work with City management to implement that.

Councilmember Nelson asked how it was proven that the intent to attract deer was present rather than inadvertent feeding from compost piles or landscaping. Mr. Ball said that it depended on the situation and the abundance. When people were consistently feeding the deer, there were often multiple complaints lodged against them, and that was used when determining the intent of the case. City Attorney Matthew Freedman clarified that this policy was not restricting residential plantings that may be attractive to deer, but appeared that there would be some sort of intent to actually feed a deer in order for the ordinance to apply. He said that an example would be if someone discarded something in the compost, then law enforcement warned it was attracting deer but they continued to add to the compost the same things the deer would eat. Councilmember Nelson said that there was no doubt that the nuisances created by the deer were huge, and he agreed with Councilmember Wilder that the public should be educated on some of the innocuous activities that had negative consequences.

Councilmember Helgeson said that he did not think that this was ready to vote on for November 1. He understood the problems caused by the deer but this was not the solution because there would be much speculation about the intent, while hunting the deer was a much more direct and effective effort. Very few localities in Virginia imposed fines for this behavior, so it would likely be best to educate the public on the reasons why they should not feed the deer. He said he was not inclined to vote on the ordinance as presented. Mr. ?? said that the intent was focused on individuals putting out 50-pound sacks of corn rather than a bird feeder or squirrel feeder. In the Code of Virginia, there was a current law in which someone could be fined for intentionally feeding animals that caused damage to neighbors' property, and penalties could be given for that. Hunting on a property where the individual next door had a 50-pound sack of corn on the ground became a violation of state law because they were hunting over bait, so they were technically not allowed to hunt on these properties at this point in time. The intent of this code was to mitigate damages to other persons property, reduce human conflict, and reduce human

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health and safety concerns caused by deer in addition to allowing people the opportunity to still hunt their properties in the City without risk of being ticketed for hunting over bait.

Councilmember Faraldi said that if the intent were to stop the damage, the neighbor that was feeding the deer should be found liable for the damage the deer did to the neighbor's property. Mr. Freedman said that as Mr. Overstreet had noted, there was an administrative code section that spoke to the unauthorized feeding of deer that applied during a specific time of the year, which was the hunting season of deer. He said that the code may be more palatable to City Council if they tried to mirror at least one component of it. He said that the administrative code made not of an upon-written notification by department personnel, no person shall continue to place or distribute any food, salt, mineral, or similar substances. The proposed ordinance was based on a model ordinance from the Department of Wildlife Resources, but they did not necessarily have to have it verbatim. He asked if it would be more palatable for the written warning to be given before someone was given a civil penalty before they violated the ordinance.

Councilmember Tweedy asked if they had had teams of bow hunters in the City before, and if they could try to do that again. Mr. Ball said that yes, that City program was paused at the end of 2020 due to budgetary restrictions and Covid-19-related issues. The program had existed for 25 years but had not been in effect since then. Councilmember Tweedy asked if it was effective. Mr. Ball said that it was unclear. They would kill anywhere from 300 to 400 deer per year on a schedule of hunting 2 days per week, with 2 people in a vehicle. The liabilities to employ two part-time people could be large because of the use of high-powered rifles in neighborhoods, and the program could drain money from the Police Department's budget quickly due to overtime hours. Councilmember Tweedy asked if 300 to 400 deer were culled each year under that plan. Mr. Ball said yes. Councilmember Tweedy asked if \$50 was a steep enough fine. Mr. Freedman said that \$50 was the limit that could be imposed.

Councilmember Nelson said that Mr. Freedman's suggestion was a good solution in that the receipt of a warning letter would be strong and compelling evidence to prove intent to violate the law, and he would like to proceed with that option.

Vice Mayor Wright asked if Mr. Freedman could prepare that text for the next meeting; Mr. Freedman said yes.

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// In the matter of Business License Tax, Agenda Item #1d, City Council received a briefing on the elimination of business license tax for businesses with gross receipts of less than \$50,000. This item will appear before City Council for action on December 13, 2022. Mr. Mitchell Nuckles, Commissioner of the Revenue, gave a summary of the item to Council. In response to a request made by Council Member Helgeson, the Commissioner of the Revenue and City Staff will provide information related to the elimination of Business License tax for businesses with gross receipts less than \$50,000 for the preceding calendar year. Currently, any business or profession whose gross receipts, wholesale, purchases, or commission sales for the preceding calendar year are between \$10,001 and \$50,000 pay an annual license tax of \$30. Any business or profession whose gross receipts, wholesale, purchases, or commission sales for the preceding calendar year are \$10,000 or less is not subject to the business and professional licensing requirements. A total of 510 businesses reported gross receipts in the range of \$10,001 - \$50,000 for calendar year 2021, with gross receipts totaling \$15,384,958. The 2022 Business License Tax due from these businesses totaled \$15,417, and the Business Personal Property (BPP) totaled \$19,833, for total revenues of \$35,250 from this range. Revising the current ordinance to eliminate Business License Tax for this group would reduce revenues by approximately \$35,250.

Councilmember Helgeson said that he was prepared to vote on the item when it came before the Council. He motioned, seconded by Councilmember Faraldi, to adopt Option C, setting the cap at \$150,000 or less.

Vice Mayor Wright asked if the City Manager could explain why the item was scheduled to come before Council for a vote on December 13, 2022. Mr. Benda replied that the Mayor wanted to be present for the contemplation of taxpayer resources and that date was the nearest available on the calendar.

Councilmember Helgeson asked how many businesses were at the second level. Mr. Nuckles answered that there are 340. Councilmember Helgeson asked how many were at the last level. Mr. Nuckles answered that there are 183, with a total of 1,033. Councilmember Helgeson asked if those businesses would be eliminated from the business license tax requirement beginning next year. Mr. Nuckles said yes.

Mr. Freedman asked if there was a motion currently on the table to adopt Option C. Councilmember Helgeson said that yes, Option C was his motion.

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Councilmember Wilder asked if the notices were sent in January. Mr. Nuckles said that the business personal property forms were mailed in the first week of January, and the business license application was mailed the first week in March. The business equipment was due back before February 15 because of the twice-per-year billing and bills had to go out in April. Councilmember Wilder asked how much processing time was needed to change the system. Mr. Nuckles said that the change required to eliminate the gross receipts tax up to those levels would be very minimal.

Vice Mayor Wright asked if Council held for this vote to allow the Mayor to participate until December 13 would have an operational impact to make this effective if Council adopted it. Mr. Nuckles said that as it was currently written, it would not go into effect January of 2023 but in January of 2024 so that there were no impacts on the FY23 budget which had already been set. Councilmember Wilder asked if this would go into effect in 2024. Mr. Nuckles confirmed as it was written, it would go into effect in January of 2024. Mr. Benda said that he would propose that when they adopted an option that it be positioned for 2024 because the revenues were already assumed in the adopted FY23 budget. Mr. Nuckles said that if it were 2024, it would have no impact on January 1, 2023. Vice Mayor Wright said that he was supportive of providing tax relief, but opposed making a motion in order to give the opportunity for the Mayor to participate. He asked if Mr. Benda could explain what he would recommend in terms of the amount. Mr. Benda said that he had offered an incremental approach to include Option A in order to encompass what was necessary for small businesses and for administrative operations. Option B was another relief component that would be an opportunity for impact and relief to the Commissioner by way of percentage. He said that he would caution on choosing C before stepping into that further because the percentages went up more starkly than from \$0 to \$100,000.

Councilmember Faraldi said that whether or not a Councilmember's absence should be considered as reason to delay a vote had been opined at the previous meeting, and he hoped that the Vice Mayor would be fair in deciding to wait or not to wait when taking a vote. He said that he was prepared to move forward with this vote.

Vice Mayor Wright said that he would not be supporting this particular motion due to the reason he stated earlier. The Rules of Procedure did not currently permit Councilmembers to participate electronically.

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Councilmember Helgeson said that when previously discussing this item with the Finance Committee, it was not under the assumption that it would begin in 2024, but should begin January 1, 2023 so that the notices were not sent out. He asked if notices would continue to be sent throughout March of next year and the policy would not take effect until the following year. Mr. Nuckles said that that was the way he understood it. Councilmember Helgeson said that this should begin in 2023 because they now had the ability to enact something to provide relief to businesses. Mr. Benda said that it was correct that Councilmember Helgeson had proposed the ordinance to be current, but he had proposed that the options be considered for FY24, however the options could also be considered for 2023. Mr. Freedman asked if there was consensus from Council to change that original motion to clarify the ordinance to affect in January 2023. Vice Mayor Wright said that the Council indicated consensus that the change to the motion was acceptable.

Councilmember Wilder asked if Option B was recommended by the City Manager. Mr. Benda said that he was paying attention to the resources they had and the expenses they had to perform the day-to-day functions. He said that what he supported was an incremental approach that would allow him to understand the impact and the requirements of the Commissioner of the Revenue Office to support those options. Options A and B were supported but Option C was cautioned against due to the larger increases.

Councilmember Nelson asked if the \$50,000 increments had relation to how the Commissioner would handle the work. He asked if a compromise such as \$130,000 would create an issue by not being on a \$50,000 margin. Mr. Nuckles said no, assuming it was kept at the current limit. Councilmember Nelson asked if it would not impose any clerical or calculating hardship to his Office to pick a point less than \$150,000 but over \$100,000. Mr. Nuckles said that was correct.

Councilmember Helgeson said that this amount would be \$0.03% of the \$43M surplus.

Councilmember Wilder made a substitute motion, seconded by Councilmember Tweedy, to approve Option B for \$100,000 in 2023.

Councilmember Wilder said that the impact of this should be measured incrementally in order for better preparation.

Councilmember Tweedy said that she supported giving back to small businesses and agreed with the City Manager that they should assess this alongside the budget.

With no further discussion from Council, the following vote was recorded:

|                                 |   |
|---------------------------------|---|
| Ayes: Nelson, Tweedy, Wilder    | 3 |
| Noes: Wright, Helgeson, Faraldi | 3 |
| Absent: Dolan                   | 1 |

Vice Mayor Wright said that the substitute motion failed and the main motion was back on the floor.

Councilmember Helgeson said that all businesses had been struggling, and they should alleviate their burden as much as possible in monetary and administrative ways.

Councilmember Tweedy asked if the electronic participation of the meetings could be discussed by Council at a future date. Mr. Freedman said that if the City Council wanted to look into electronic participation, there was authority that could allow for it under certain guidelines, and he would gladly review it, but texting Councilmembers from a different location would likely not be permissible because the Clerk had to take minutes of the discussion as it related to it, and it would have to be public in some way so the public could observe the conversation. Any type of electronic participation authorized would have to be visible and subject to be put into the minutes in some fashion.

With no further discussion from Council, the following vote was recorded to approve Ordinance #O-23-065:

|   |   |
|---|---|
| Ayes: Nelson, Tweedy, Helgeson, Wilder, Faraldi | 5 |
| Noes: Wright                                    | 1 |
| Absent: Dolan                                   | 1 |

// In the matter of the Airport, Agenda Item #1e, City Council received a briefing on the supplemental lease amendment no. 10 with the General Services Administration. This item will appear before City Council for action on November 1, 2022. Mr. Cedric Simon, Assistant Airport Director, gave a summary of the item to Council. The GSA has requested that Supplemental Lease Amendment No. 10 to the lease number GS-03B-03314 be added to (i) incorporate one (1) five (5) year, one (1) year firm, renewal option as well as an additional five (5) year renewal option, (ii) memorialize the paint and carpet refresh of the

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premises, and (iii) incorporate FAR 52.204-25 (AUG2020). This lease amendment is for office space at the Lynchburg Regional Airport for Transportation Security (TSA) personnel assigned to the airport. This lease amendment with renewal option would be at an annual fixed commitment with an annualized 3% rate increase already built into the rent structure.

// In the matter of Planning, Agenda Item #1f, City Council received a briefing on the rezoning of R-1 Low Density Residential to R-4C High Density Residential at 102 Garden's Way. This item will appear before City Council for action on November 1, 2022. Ms. Rachel Frischeisen, Planner II, gave a summary of the item to Council. Candlewood, LLC is petitioning to rezone one and twenty-nine hundredths (1.29) acres located at 102 Gardens Way from R-1, Low Density Residential District to R-4C, High Density Residential District (Conditional). The rezoning would allow the construction of six (6) townhomes with associated access and utilities. On October 12, 2022, the Planning Commission recommended Approval (3-1, with 2 members absent, Light and Bowden and 1 vacancy) of the rezoning petition. The Planning Division recommended approval of the rezoning petition.

Councilmember Faraldi said that as he understood, this was the only space left that served as green space for the neighborhood, and conservation was important to keep in mind when developing property.

Councilmember Helgeson asked how many houses could be built on the 1.3 acres. Ms. Frischeisen said that R-1 allowed for 2.9 units per acre, so for 1.3 acres it would be about 3.74 units. Councilmember Helgeson asked how many apartments would be built under this rezoning. Ms. Frischeisen said that the petitioner proffered that the site would be built in substantial compliance with the comprehensive plan, with a maximum amount of 6 units. R-4 allowed up to 7 units per acre, but with the proffered density, six units divided by the 1.3 was about 6 units per acre. Councilmember Helgeson said that this would allow for double the units available by right, which set a precedent and affected the neighboring properties.

Councilmember Wilder asked if the units were townhomes or apartments. Ms. Frischeisen said that there were six townhomes, but would have to clarify whether they were for sale or would be retaining ownership. Councilmember Wilder asked how many units could be built on the property by right. Ms. Frischeisen said that R-1 zoning allowed for 3.74 units by right, so rounding down it would be 3 units.

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// In the matter of Planning, Agenda Item #1g, City Council received a briefing on the Conditional Use Permit (CUP) for Providence Church at 108 Melinda Drive. This item will appear before City Council for action on November 1, 2022. Ms. Rachel Frischeisen, Planner II, gave a summary of the item to Council. Providence Church is petitioning for a CUP at 108 Melinda Drive to allow the construction of a new five (500) seat sanctuary in an R-4, High Density Residential District. The subject property is zoned B-3C, Community Business District (Conditional) near the corner of Melinda Drive and Wards Ferry Road, with the remainder zoned R-4, High Density Residential District. The proposed sanctuary would be located in the R-4, High Density Residential portion of the property. Churches and their associated uses are permitted in the R-4, High Density Residential District upon approval of a Conditional Use Permit (CUP) from City Council. On September 28, 2022, the Planning Commission recommended Approval (5-0, with 1 member absent, Light and 1 vacancy) of the CUP Petition. The Planning Division recommended approval of the CUP petition.

Councilmember Helgeson said that he had attended the church and given them money but was not a member. Mr. Freedman said that if a rezoning or CUP were affecting a large group as a whole and he had no financial interest in the entity, he could participate.

// In the matter of Planning, Agenda Item #1h, City Council received a briefing on the 1114 Old Graves Mill Rezoning. This item will appear before City Council for action on November 1, 2022. Ms. Rachel Frischeisen, Planner II, gave a summary of the item to Council. ZZ & ZZ, LLC is petitioning to rezone approximately eleven and ninety-three hundredths (11.93) acres located at 1114, 1126 & 1168 Old Graves Mill Road from R-2, Low-Medium Density Residential District to R-4C, High Density Residential District (Conditional). The rezoning would allow the construction of one hundred sixty-nine (169) apartments, twenty-nine (29) condominiums, office, club house, pool, and two hundred sixty-two (262) parking spaces. On October 12, 2022, The Planning Commission recommended Approval (3-1, with 2 members absent, Light and Bowden and 1 vacancy) of the FLUM amendment and of the rezoning petition. The Planning Division recommended approval of the petitions with the addition of proffers.

Councilmember Faraldi said that he had worked with the developer on this proposal, and he acknowledged the need for affordable housing in Lynchburg. He said that he could not support this item because of the multiple other large development going into the area and the related concerns of the

residents. He reiterated that there still must be creation of affordable housing, but could not support this proposal.

Councilmember Tweedy said that much of the development in this specific part of the City was due to universities' fast growth. There should be discussion on how they restricted development in these neighborhoods to the type of owner-occupied dwellings they wanted to see and regulate the creation of apartments. Mr. Benda said that it was on the table for town and gown to talk to the different colleges and universities, including Liberty University. The regulation of land would be presented in terms of zoning overlays after staff analysis and compilation of data. The Council could decide on how to invest in incentives for affordable housing such as a Housing Trust Fund.

Councilmember Helgeson said that the comprehensive plan indicated the future land use map's designations. For people who wanted to change it, it was incumbent upon them to ask for the change and not incumbent upon the City to offer. There were benefits to colleges providing housing for students in regard to the property values of the neighborhoods. He said that he was not supportive of this proposal due to the fast-paced development of the area.

Councilmember Wilder asked how many units could be built on the property by right. Ms. Frischeisen answered that under the current R-2 zoning, the property could have approximately 52 units. Councilmember Wilder asked if some were apartments and some were condominiums. Ms. Frischeisen said yes.

Councilmember Faraldi said that if this proposal were located somewhere else, he would be more amenable to it, but there were things that made it difficult for this specific location.

Vice Mayor Wright asked City Attorney Mr. Matthew Freedman to describe the considerations they were permitted to take into account per state code when evaluating zoning proposals. Mr. Freedman said that the state code provided general parameters for governing bodies to consider as it related to making zoning decisions, and could involve essentially the health, safety, and general welfare of the community. There was also a code section that enumerated factors that lead to that general idea, including environmental safety, traffic safety, and making available affordable housing in communities.

// In the matter of Planning, Item #1i, City Council received a briefing on the 2025 Lakeside Drive Rezoning. This item will appear before City Council for action on November 1, 2022. Ms. Rachel

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Frischeisen, Planner II, gave a summary of the item to Council. Joel Sutton, of Sutton Landscaping, is petitioning to rezone approximately four hundred seventy-seven thousandths (0.477) of an acre located at 2025 Lakeside Drive from B-1, Limited Business District to B-5C, General Business District (Conditional). The rezoning would allow the use of the existing building as a landscaping services office and on-site parking of commercial vehicles. On October 12, 2022, the Planning Commission recommended Approval (4-0), with 2 members absent, Light and Bowden and 1 vacancy) of the rezoning petition. The Planning Division recommended approval of the rezoning petition.

Councilmember Helgeson said that this was going to B-1 to B-5, so he assumed there were a lot of conditions to account for the dramatic change. Ms. Frischeisen said that the conditions submitted were that the outdoor storage would be limited to the parking of the commercial vehicles, and staff felt they had come to a good compromise between this parcel and the B-5 parcel next to it.

Vice Mayor Wright asked if there were any concerns about the shared driveway from the occupants of the homes. Ms. Frischeisen said that it was her understanding that the representative of Accupoint had been in conversations with the next-door neighbors about the shared access, and no comments or questions had been received prior to or at the Planning Commission meeting.

Councilmember Helgeson said that he would prefer there be an answer rather than a non-answer.

City Manager Benda asked if it was amenable for Council to go through roll call and the closed session and position the *CSO 52 Tunnel Project* and the *2023 Legislative Agenda* items for the beginning of the next meeting. Vice Mayor Wright said there was consensus from the Council to proceed in that order.

// In the matter of Roll Call, Agenda Item #4, Councilmember Helgeson said that he was able to tailgate at Liberty University on Saturday for the football game. He said that Dr. Falwell a long time ago talked about and prayed over the ground, saying he wanted this school that did not have a football team to be a world-class university for evangelical Christians like BYU is for Mormons and Notre Dame is for Roman Catholics. He said that to have them play at home with a record crowd, bringing lots of tourism taxes to the City, was fantastic. He said that the win was fantastic, and they tailgated even after the game. He said that the spirit on the mountain there was really exciting, because lots of the kids there now did not know

anything about Dr. Falwell, but fortunately they brought old videos and seeing the change in growth was hard to fathom. He congratulated Liberty University.

Councilmember Wilder said that the firefighters' graduation, promotion, and retirement ceremony took place yesterday. He said that one of the deputy fire chiefs had moved from Harrisonburg to Lynchburg, and was an example of how increasing the salaries drew in new residents from outside the City. He said that he wanted to give thanks to all the non-profits in the community, including the YWCA celebrating 110 years in service. He said that these organizations were part of what made Lynchburg so great and special to live in because of their care of those less fortunate. He said that he was thankful for all the great partnerships they had in their community that continued to do great things.

Vice Mayor Wright congratulated E.C. Glass High School on their game against Jefferson Forest. He said that as the News & Advance stated, it was a blowout at 55-6, and also happened to be the annual pink game that raised awareness for breast cancer and to support the awareness garden. He commended the organizers and the players. He announced that there had been a change to the legislative dinner, and he knew that the City Manager and City Clerk had been working through those changes.

City Manager Mr. Wynter C. Benda said that on Tuesday, November 15, the local delegation had something with the state Assembly, and due to conflict, the most amenable time would be Monday, November 14, at the same location of University of Lynchburg's Drysdale Student Center. He thanked the Council for their flexibility so they would have everyone on the best day possible.

// On motion of Councilmember Wilder, seconded by Councilmember Tweedy, Council, by the following recorded vote, elected to hold a closed meeting to discuss the settlement of a pending lawsuit against a City employee pursuant to §§ 2.2-3711(7) and 2.2-3711(8) of the Code of Virginia, 1950, as amended, and: to discuss the appointments to the following Boards and Commissions: Transit Company Board of Directors, Parking Authority, Historic Preservation Commission, Lynchburg Redevelopment and Housing Authority, pursuant to Section 2.2-3711(A)(1) of the Code of Virginia, 1950, as amended.

With no discussion from Council, the following vote was recorded:

|   |   |
|---|---|
| Ayes: Wright, Helgeson, Nelson, Tweedy, Wilder, Faraldi | 6 |
| Noes:   | 0 |

Absent: Dolan

1

// The meeting was reopened to the public.

// Councilmember Helgeson made the following motion:

WHEREAS, the Council of the City of Lynchburg has convened a closed meeting on this date, pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act; and

WHEREAS, Section 2.2 3712 of the Code of Virginia requires a certification by City Council that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Lynchburg certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by Council.

The motion was seconded by Councilmember Wilder, and Council, by the following recorded vote, adopted the motion:

Ayes: Wright, Helgeson, Nelson, Tweedy, Wilder, Faraldi 6

Noes: 0

Absent: Dolan 1

// On motion of Councilmember Helgeson, seconded by Councilmember Wilder, Council by the following recorded vote appointed the following members to the respective boards and commissions:

Transit Company Board of Directors: Holly Trent for a new term expiring October 31, 2025; Ben Blanks for a new term expiring October 31, 2025; Charles Spence for a new term expiring October 31, 2025.

Lynchburg Parking Authority: James Mundy for a new term expiring October 31, 2027; Thorne McCraw and Ivajean "Tobi" Jaeger were asked to holdover their positions.

Historic Preservation Commission: William Watson for an unexpired term ending June 30, 2023.

Lynchburg Redevelopment and Housing Authority: Marc Schewel for an unexpired term ending September 30, 2024.

Ayes: Wright, Helgeson, Nelson, Tweedy, Wilder, Faraldi 6

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Noes: 0

Absent: Dolan 1

// The meeting was recessed at 6:00 p.m.

// A regular meeting of the Council of the City of Lynchburg was held on the 25<sup>th</sup> day of October, 2022, at 7:30 p.m. in the Council Chamber, City Hall, Beau Wright, Vice President, presiding. The following

Members were present:

Present: Beau Wright, Jeff Helgeson, J. Randy Nelson, Treney Tweedy, Sterling A. Wilder, Chris

Faraldi 6

Absent: MaryJane Dolan 1

// Councilmember Tweedy led the invocation, followed by the Pledge of Allegiance.

// Vice Mayor Wright welcomed the Mayor's Youth Council members present at the meeting, Mary Place from New Covenant and Hannah Page from E. C. Glass. He stated that there was consideration of a closed session at the end of this meeting to discuss the investment of public funds by the City and EDA for a building in downtown Lynchburg. Mr. Benda said that the timeliness of the item had to do with the turnaround time for the issue.

// In the matter of the Consent Agenda, Agenda Item A, copies of the minutes of the March 29, 2022 Council meeting have been previously furnished to Council, and on motion of Councilmember Wilder, seconded by Councilmember Nelson, Council by the following recorded vote approved the minutes as presented:

Ayes: Wright, Helgeson, Nelson, Tweedy, Wilder, Faraldi 6

Noes: 0

Absent: Dolan 1

// In the matter of the Consent Agenda, Agenda Item B, copies of the minutes of the March 31, 2022 Council meeting have been previously furnished to Council, and on motion of Councilmember Wilder, seconded by Councilmember Nelson, Council by the following recorded vote approved the minutes as presented:

Ayes: Wright, Helgeson, Nelson, Tweedy, Wilder, Faraldi 6

Noes: 0

Absent: Dolan 1

// In the matter of the Consent Agenda, Agenda Item C, copies of the minutes of the April 5, 2022 Council meeting have been previously furnished to Council, and on motion of Councilmember Wilder, seconded by Councilmember Nelson, Council by the following recorded vote approved the minutes as presented:

Ayes: Wright, Helgeson, Nelson, Tweedy, Wilder, Faraldi 6

Noes: 0

Absent: Dolan 1

// In the matter of Agenda Item #6, a public hearing was held and Council considered adopting Resolution #R-22-066 authorizing a lease agreement with Hill City Bikes, LLC. d/b/a Bikes Unlimited. Ms. Marjette Upshur, Director of the Office of Economic Development and Tourism, gave a summary of the item to Council. Hill City Bikes, LLC d/b/a Bikes Unlimited, located at 1312 Jefferson Street, has requested to lease a portion of the City Owned Property at 1100 Jefferson Street. They plan to expand their existing business to include a food and beverage component named "OH! 4" and to create a more engaging and safe space on the City Owned Property surrounding their property. They plan to invest \$100,000 into building a family-friendly space and project \$250,000 annually in net new revenue. A five-year lease with the opportunity to renew has been drafted by the City Attorney. Hill City Bikes, LLC agrees to pay \$100 per month in rent. All maintenance shall be the responsibility of the lessor. Any work performed on the property must meet the City's requirements and be permitted accordingly. There is a statutory requirement for a public hearing prior to leasing City property.

Timothy Santiago stated that he was a resident of Lynchburg, Virginia. He stated that he recognized what Bikes Unlimited had done to engage cyclists in their neighborhoods, and he had heard good things about their service to the community. He said that allowing the lease enabled more investment into the economy from the business, and he encouraged any Councilmembers to defer to the Councilmember whose ward the business resided in, who was Councilmember Wilder.

Vice Mayor Wright closed the public hearing and the matter rested with Council.

Councilmember Nelson asked what the estimated revenues to the City was as a result of the increased operations. Ms. Upshur answered that the estimated revenue to the City for \$250,000 of

increase in food and beverage, it would be \$16,000 on the meals tax and \$2,500 on sales tax.

Councilmember Nelson asked if that was per year. Ms. Upshur said yes.

Councilmember Nelson made a motion, seconded by Councilmember Wilder, to approve the Resolution #R-22-066. With no discussion from Council, the following vote was recorded:

|   |   |
|---|---|
| Ayes: Wright, Helgeson, Nelson, Tweedy, Wilder, Faraldi | 6 |
| Noes:   | 0 |
| Absent: Dolan   | 1 |

// In the matter of Agenda Item #7, the Council considered adopting a Resolution #R-22-067 approving the College Park Master Plan as part of the City's Comprehensive Plan 2013 – 2030. Ms. Susannah Smith, Project Manager, gave a summary of the item to Council. The College Park Master Plan serves as a roadmap to connect people, water, and community in the College Park neighborhood. Working with the consultant firm Skeo Solutions, the plan uses a Walkable Watershed approach to craft recommendations for passive recreation, improved pedestrian connectivity to the neighborhood and integrated sustainable practices for handling water flow to reduce flooding and improve water quality. Recommendations also include the provision for learning opportunities that serve to enhance the ecology and natural beauty of the park. This plan is a product of input received from neighborhood residents, citizen members, University of Lynchburg, and City of Lynchburg staff. A Public Open House was held at College Park in Fall 2021 and a survey questionnaire was distributed to the neighborhood by City staff and University of Lynchburg students. On October 12, 2022, the Planning Commission recommended adoption (4-0), with 2 members absent, Bowden and Light and 1 vacancy) of the College Park Master Plan.

Ms. Beth White stated that she was a resident of Oak Ridge Boulevard, where she had lived for 28 years and had become very familiar with this particular area. She said that this was a needed improvement to the park, which had become an unkempt eyesore over the past two decades, and it would be nice to be able to return to a local neighborhood park.

Mr. Timothy Santiago stated that he was a resident of Lynchburg, Virginia. He said that he agreed that the park was an eyesore, where there sometimes was three or four weeks of trash built up there. He noted that the park was in Councilmember Faraldi's Ward and that City Council should vote along with

him because his constituents were the most affected. He said the inaction of the City was sign that they had forgotten about the park, but there was no reason for the City or its residents to suffer for it.

Vice Mayor Wright closed the public hearing and the matter rested with Council.

Councilmember Faraldi motioned, seconded Councilmember Nelson, to approve the Resolution #R-22-067. With no further discussion, the following vote was recorded:

|   |   |
|---|---|
| Ayes: Wright, Helgeson, Tweedy, Wilder, Faraldi | 6 |
| Noes:   | 0 |
| Absent: Dolan                                   | 1 |

// In the matter of Engineering, Agenda Item #8, Council considered adopting Resolution #R-22-068 supporting Campbell County's participation in a Smart Scale application to fund a project partially within the city on Candler's Mountain Road right turn lane at Liberty View Lane. City Council was previously briefed on this item during the October 25, 2022 work session. VDOT has required and Campbell County has requested the City of Lynchburg to support their participation in a SMARTSCALE Application to construct improvements to Candler's Mountain Road from Campbell County into the City of Lynchburg. These improvements would add a right turn lane at Liberty View Lane. This would extend into the City along Candler's Mountain Road. The Campbell County Board of Supervisors approved their resolution in July. If the application is successful and the funding awarded, design would begin in August 2025.

Councilmember Faraldi motioned, seconded by Councilmember Helgeson, to approve the Resolution #R-22-068. With no further discussion from Council, the following vote was recorded:

|   |   |
|---|---|
| Ayes: Wright, Helgeson, Nelson, Tweedy, Wilder, Faraldi | 6 |
| Noes:   | 0 |
| Absent: Dolan   | 1 |

// In the matter of the Police Department, Agenda Item #9, Council conducted its first reading of Resolution #R-22-069 amending the FY 2023 City/Federal/State Aid Fund budget and appropriating \$42,448 to purchase law enforcement equipment for the Lynchburg Police Department and technology equipment for the Lynchburg Sheriff's Office and the Office of the Commonwealth's Attorney. Chief Ryan Zuidema gave a summary of the item to Council. The Police Department applies annually for the Justice Assistance Grant through the Office of Justice Programs. For the 2022 Edward Byrne Memorial Justice

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Assistance Grant, the City was awarded \$42,448. The Lynchburg Police Department will use this funding to purchase eight protective helmets (\$5,354) for drone team members and 23 tactical headsets for crisis negotiators and drone team members (\$25,010) to ensure safe and effective communication during critical incidents. The Lynchburg Police Department will also purchase a ballistic blanket (\$2,559) with a blanket stand and carry bag (\$977). The Lynchburg Sheriff's Office will use funds to purchase an ID data card system (\$4,235) to increase the security of employee identification. The Office of the Commonwealth's Attorney will use the funds to purchase two desktop computers and two double-sided printers (\$4,313) for use by the newly hired investigator and body worn camera assistant. The total equipment cost of \$42,448 is fully reimbursable by the grant. No local matching funds are required.

At its October 25, 2022 meeting, the Finance Committee recommended approval. As Chair of that committee, Councilmember Helgeson brought the committee's recommendation for approval forward as a motion. No second was required, and Council, by the following recorded vote approved the motion:

|   |   |
|---|---|
| Ayes: Wright, Nelson, Tweedy, Helgeson, Wilder, Faraldi | 6 |
| Noes:   | 0 |
| Absent: Dolan   | 1 |

// In the matter of the Police Department, Agenda Item #10, Council conducted its first reading of Resolution #R-22-070 amending the FY 2023 City/Federal/State Aid Fund budget and appropriating \$59,676 to purchase 69 replacement ballistic vests for law enforcement officers. Chief Ryan Zuidema gave a summary of the item to Council. The Police Department applies annually for the Bulletproof Vest Partnership through the Office of Justice Programs. For the 2022 Police Bulletproof Vest Partnership, the City was awarded funding that covers the cost of replacement ballistic vests for both the Lynchburg Police Department and the Lynchburg Sheriff's Office. The vests provide protection to officers in the line of duty and the life of the vest is five years from the manufacturing date. The total replacement cost for 69 vests is \$59,676. The grant requires a 50% local match; these funds are available in the FY 2023 General Fund Police (\$26,863) and Sheriff's Office (\$2,975) operating budgets.

At its October 25, 2022 meeting, the Finance Committee recommended approval. As Chair of that committee, Councilmember Helgeson brought the committee's recommendation for approval

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forward as a motion. No second was required, and Council, by the following recorded vote approved the motion:

|   |   |
|---|---|
| Ayes: Wright, Nelson, Tweedy, Helgeson, Wilder, Faraldi | 6 |
| Noes:   | 0 |
| Absent: Dolan   | 1 |

// In the matter of the Police Department, Agenda Item #11, Council conducted its first reading of Resolution #R-22-071 amending the FY 2023 City/Federal/State Aid Fund budget and appropriating \$50,160 to facilitate selective enforcement activities, equipment, and training. Chief Ryan Zuidema gave a summary of the item to Council. The Department of Motor Vehicles (DMV) Highway Safety Program has awarded the City \$33,440 for selective DUI activities, alcohol testing equipment, and annual DMV grant-related training. The grant excludes reimbursement of Medicare and Social Security benefit costs associated with the allotted overtime; however, funding of \$2,368 is available for transfer from the FY 2023 General Fund Police Department budget to cover this expense. The grant agreement includes an in-kind match of \$14,352 in police equipment and services from the department's fuel and vehicle maintenance services budget.

At its October 25, 2022 meeting, the Finance Committee recommended approval. As Chair of that committee, Councilmember Helgeson brought the committee's recommendation for approval forward as a motion. No second was required, and Council, by the following recorded vote approved the motion:

|   |   |
|---|---|
| Ayes: Wright, Nelson, Tweedy, Helgeson, Wilder, Faraldi | 6 |
| Noes:   | 0 |
| Absent: Dolan   | 1 |

// In the matter of the Police Department, Agenda Item #12, Council conducted its first reading of Resolution #R-22-072 amending the FY 2023 City/Federal/State Aid Fund budget and appropriating \$46,125 to facilitate speed enforcement activities. Chief Ryan Zuidema gave a brief summary of the item to Council. The Department of Motor Vehicles Highway Safety Program has awarded the City \$30,750 for speed enforcement activities. The grant excludes reimbursement of Medicare and Social Security benefit costs associated with the allotted overtime; however, funding of \$2,353 is available for transfer from the

FY 2023 Police Department General Fund budget to cover this expense. The grant agreement includes an in-kind match of \$13,022 in police equipment and services from the department's fuel and vehicle maintenance services budget.

At its October 25, 2022 meeting, the Finance Committee recommended approval. As Chair of that committee, Councilmember Helgeson brought the committee's recommendation for approval forward as a motion. No second was required, and Council, by the following recorded vote approved the motion:

|   |   |
|---|---|
| Ayes: Wright, Nelson, Tweedy, Helgeson, Wilder, Faraldi | 6 |
| Noes:   | 0 |
| Absent: Dolan   | 1 |

// On motion of Councilmember Wilder, seconded by Councilmember Nelson, Council considered a closed session to discuss the investment of public funds by the City and the Economic Development Authority for a building in downtown Lynchburg, Virginia, where competition is involved and if made public at this time would adversely affect the bargaining position of either or both public bodies pursuant to Section 2.2-3.711(A)(6) of the Code of Virginia, 1950, as amended.

With no further discussion, the following vote was recorded:

|   |   |
|---|---|
| Ayes: Wright, Nelson, Tweedy, Helgeson, Wilder, Faraldi | 6 |
| Noes:   | 0 |
| Absent: Dolan   | 1 |

// The meeting was reopened to the public.

// Councilmember Wilder made the following motion:

WHEREAS, the Council of the City of Lynchburg has convened a closed meeting on this date, pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act; and

WHEREAS, Section 2.2 3712 of the Code of Virginia requires a certification by City Council that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Lynchburg certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification

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resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by Council.

The motion was seconded by Councilmember Nelson, and Council, by the following recorded vote, adopted the motion:

Ayes: Wright, Helgeson, Nelson, Tweedy, Wilder, Faraldi 6

Noes: 0

Absent: Dolan 1

// The meeting adjourned at 8:44 p.m.

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Clerk of Council

November 1, 2022

// A regular meeting of the Council of the City of Lynchburg was held on the 1<sup>st</sup> day of November 2022, at 4:00 p.m. in Council Chamber, City Hall, Beau Wright, Vice President, presiding. The following Members were present:

|  |   |
|--|---|
| Present: Beau Wright, J. Randy Nelson, Jeff Helgeson, Treney Tweedy, Sterling A. Wilder, Chris Faraldi | 6 |
| Absent: MaryJane Dolan   | 1 |

// In the matter of Water Resources, Agenda Item #1, Mr. Tim Mitchell, Director of Water Resources, presented to Council an overview of the Combined Sewer Overflow (CSO) 52 Tunnel Project. The City of Lynchburg is under a 2015 State Water Control Board – Consent Special Order to implement a plan to control combined sewage overflow discharges into the James River and its tributaries. Since the beginning of the City’s CSO program in the 1980’s the City has eliminated 115 of 132 overflow points and reduced total overflow volume by 93%. To date, over \$307 million have been spent on the program. CSO 52 is the mostly costly and complex remaining project of the CSO program. The fiscal impact is \$70,000,000, including design and construction. The City has been awarded \$50 million in ARPA funds to be utilized for the CSO program.

Vice Mayor Wright asked if there were other CSO locations that needed to be closed. Mr. Mitchell clarified that the CSO 52 tunnel project would address most of the overflows that would occur at that point, but the overflow point would still remain in case of extreme weather events. Vice Mayor Wright asked if all CSO work was encompassed in the \$86 million or if that was only funding for CSO 52. Mr. Mitchell stated that that was the amount they must do in order to be in compliance with their consent order, and once the CSO 52 and other three projects were completed, they would have to complete a monitoring period to prove they had done enough to end the program. Vice Mayor Wright asked if Mr. Mitchell could address development within the sewer shed. Mr. Mitchell said that there were overflow events along the sewer shed within as little as a six-month storm event, and there were specific orders from the Department of Environmental Quality to address that problem through the CSO program, but based on their analysis, they would still have a lot of overflows along the trail. He said that at any point in time, DEQ could come in and say that because they were overflowing manholes along the trail, they could allow no new connections to the sewer line until they had a plan to address that problem. There

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was opportunity to do a project in conjunction with the CSO program to utilize received funding to address the development issues. Vice Mayor Wright asked if it should be taken into account with large developments. Mr. Mitchell said that it was not at this point, but could change if DEQ became involved in that aspect of their operations. Vice Mayor Wright asked if they had a history of doing that. Mr. Mitchell said that there had not been a lot of development moratoriums with DEQ as long as the localities were taking reasonable efforts to address the issues, but there could be fines and other penalties associated with it if they did not address it as well.

Councilmember Nelson asked if it was likely that the standards and criteria of the EPA and DEQ would change. Mr. Mitchell said that based on his work with the DEQ, there may be additional controls at the other overflow points, but with the CSO 52 project, they would be doing better than the agreement in the consent order. If they did not do the project with the tunnel, it was likely that they did not have the capacity for future development. Councilmember Nelson asked if it was correct that in an illustration in the report there was a dam constructed at the lower end of the tunnel that inhibited free flow into the body of water except when there was a major flood. Mr. Mitchell said that was correct, and there were multiple types of overflow systems in the City that varied in their complexity. Councilmember Nelson asked for clarification that there were risers and overflow pipes rather than dams in the tunnel as marked in the illustration. Mr. Mitchell said that was correct. The tunnel would be 70 to 100 feet below the surface of the ground, and in order to get the water out of the tunnel, they would have to pump it back into the sewer system after a rain event to be sent back to the water treatment plant to be treated. Councilmember Nelson asked where the tunnel-boring machine would be left after the project was completed. Mr. Mitchell said that it would potentially be left in the ground at the CSO 52 overflow point, near Hollins Mill. Councilmember Nelson asked if the boring machine was necessary to construct the connection tunnel to the treatment plant, or if a large tunnel was not necessary to complete that flow of stormwater. Mr. Mitchell stated that the tunnel would end at US Pipe, and there would be a pump station constructed to pump the water back into the sewer system once the rainfall event had passed.

Councilmember Tweedy asked if they had secured the \$75M. Mr. Mitchell said that there was one other step in the process to secure that funding, but they did have \$75M available. Councilmember Tweedy asked where the additional \$11M would come from. Mr. Mitchell said that the bulk of the \$75M

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would go toward the tunnel project, and the other three projects were not on a specific timeline, so they would look at their capital projects submittal each year to see if they had enough capacity to borrow for that additional \$11M. With the CSO consent order, they had certain financial criteria they had to meet, and there may be enough debt capacity to borrow the additional \$11M. Mr. Benda stated that the timing of the state budget had been later than normal, and they had received \$25M more from the state to help with this project, which must be accepted by February. There would be a provision to accept those resources from the state at one of the Council's upcoming meetings.

// In the matter of Economic Development, Agenda Item #2, Council heard from County staff regarding upcoming community events through the holiday season. Ms. Marjette Upshur, Director of the Office of Economic Development & Tourism, gave a brief summary to Council. Special events, whether offered by the City of Lynchburg, businesses, or nonprofit partners, contribute to community pride and quality of place, and help drive spending in our City. The Office of Economic Development & Tourism will distribute a roundup of events planned throughout the City through the end of 2022.

Councilmember Wilder stated that he knew that many of Lynchburg's holiday events drew attendees from all across the country.

Councilmember Helgeson said that a discouraged business owner called him yesterday because economic development had not been focusing on job losses. He asked what was being done to attract companies and promote the economy.

Councilmember Wilder stated that when a company recently left the community, the City Council received a report about what was being done to attract more companies, keep companies in Lynchburg, as well as efforts in workforce development. City Manager Mr. Wynter C. Benda stated that staff could bring forward more information regarding what was being done in terms of workforce and economic development.

// In the matter of City Council, Agenda Item #3, City Manager Wynter C. Benda briefed the City Council on the City of Lynchburg's draft 2023 Legislative Agenda. Each year, the City Manager works with the City department heads, City appointees, Constitutional Officers and their staff and others on what topics, focus areas and/or potential bills/resolutions are important to City of Lynchburg that will first be presented

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to City Council and later adopted by them as the City's "legislative package" so as to position it well for the impending Virginia General Assembly Session. The key principals are 911 Reclassification, Emergency Custody Orders (ECOs) and Temporary Detention Orders (TDOs), and Swatting. Lynchburg City Police Chief Ryan Zuidema stated that the goal of this legislation was to force the state to put some type of structure in place to allow someone other than a law enforcement officer to sit with that patient while under an ECO as well as sitting with that patient to transport them to other localities around the state for treatment.

Councilmember Wilder asked if there had been any movement on the legislative items from last year. Chief Zuidema stated that Senator Newman had pushed several bills forward that increased funding to localities, but that funding had not been sufficient. He clarified that funding was less of an issue than the design of the system. Mr. Benda stated that the Senators had been very supportive, and to the degree that they could create something particular as a solution for Lynchburg, that helped Senator Newman in his efforts at the state level.

Councilmember Faraldi stated that there needed to be a specific place for people experiencing mental health issues to go, and that was something being explored with some of the funds secured by Senator Newman.

Councilmember Tweedy asked why the state was not able to be more responsive to this issue, and if it was a problem across the state with other officers in localities. Police Chief Ryan Zuidema stated that in his discussions with other police chiefs around the Commonwealth, they were seeing the same challenges they were in Lynchburg. He stated that it required a massive overhaul of the mental health system in which the state provided infrastructure and investment to get things done, and there had not been enough momentum behind it to fund that overhaul.

Councilmember Helgeson stated that the security guards should be at the hospitals, such as transferring people to the jail authority.

Chief Zuidema clarified that swatting was when someone communicated a false threat or false emergency. The goal of the swatting legislation was to solidify the law and give additional options, because in some cases the law had not kept up with the technology, and the issue could be a serious resource drain.

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Councilmember Tweedy asked if Council could provide any resources to Chief Zuidema to address the recent uptick in gun crimes and robberies. Chief Zuidema stated that the biggest struggle faced by the police was getting cooperation from witnesses and victims, and he encouraged victims to report information anonymously so that the police can solve the crime without identifying the individual or forcing them to appear in court to testify.

Councilmember Faraldi stated that he would be interested in adding some language within the top guiding principles to increase the funding from the state to the Commonwealth Attorney's Office without the locality having to pitch in. He stated that with increased state funding for teachers without a local match should be considered as well. He stated that there was currently language in the guidelines for unfunded mandates, and he would be interested in including that in the top priorities.

Vice Mayor Wright asked how Council feedback should be given to staff. Mr. Benda stated that on Monday, November 14, they were scheduled to meet with the local delegation, so that would be an appropriate time to respond, and December 13 was positioned as a potential date for a Council vote. He stated that he was always open to feedback or input from the Board on the materials provided, and opportunity for public feedback on the legislative agenda would be made available on the Lynchburg City website.

Councilmember Helgeson stated that focusing on a few priorities rather than a long list may serve the City better in achieving the legislative goals. Mr. Benda stated that the three key principles were meant to serve as a focus, and the Council was welcome to choose only a few guidelines as major priorities if they identified them as such.

// In the matter of Economic Development, Agenda Item #4a, Council received an update from staff on a proposed new ordinance to allow filming on public property. This Item will appear for the City Council vote on the December 13 General Business Agenda. Ms. Anna Bentson, Assistant Director of Economic Development, gave a brief summary to Council. The Office of Economic Development & Tourism (OEDT) encourages filming in the City of Lynchburg to drive economic development, tourism and publicity for the City. Staff works with those wishing to film on City property through an application process and coordinates and shares information with any impacted departments including Police, Risk Management, Fire, Parks & Recreation, Community Development and Public Works. A certificate of liability insurance,

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listing the City as additional insured, is required for all wishing to film on public property. The City Attorney recommended that an ordinance be in place to outline the process.

Councilmember Helgeson stated that he would rather see the Economic Development & Tourism Office focus on job creation rather than creation of Ordinances. He stated that people could already film, and this was creating a more bureaucratic process.

Councilmember Faraldi asked what the origin of this item was. Ms. Bentson answered that they had a process in place for filming to make sure that people were using parks or sidewalks in accordance with other uses, and the City Attorney asked that this be memorialized as an ordinance to support that process. Mr. Freedman, City Attorney, stated that there had been an informal process in which Economic Development had issued permits and permissions to keep track of and ensure the safety of public property in the City. As a part of that process, insurance certificates were required, namely to ensure that if there was damage to property or injuries that the individuals responsible had insurance to cover the actions they were responsible for. He stated that a citizen brought forth the fact that there was not an objective way for the City to determine if someone wanted to film their family at a park, so under the City's power to police its property and ensure the safety of the community, this was a resolution that he and other departments worked on to have an objective, outlines process to account for applicable exceptions while ensuring the safety of public property and encouraging filming. Councilmember Faraldi asked if he would be required to abide by this ordinance if he filmed a political advertisement in a public park and then shared the advertisement video on Facebook. He asked what the point of this ordinance was if there was no fee or mandate behind it, because there was no way to administratively enforce it. He stated that the language of the ordinance could be interpreted as being subjective and in conflict with other City actions. He stated that this was a good step in the right direction, but they may not be meeting the right intent of what they should do. Mr. Freedman stated that regarding the idea of filming being subject to a permit for an individual in the road who wanted to engage for non-commercial reasons, that was excluded from the definition of filming, which was shown in the ordinance. He stated that in his estimation, the idea was to ensure that individuals' First Amendment rights would allow them to engage in personal activities that were not subject to the ordinance. He stated that regarding penalties, if they wanted to enforce this on someone, they could enforce the provision in the City Code that speaks specifically to when provisions

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of penalties were not provided for in an ordinance, there was a specific ordinance that spoke to what penalty would be imposed. He stated that the goal of this ordinance was to solidify the current process and in no way was anyone to be punished in the City, but would allow citizens to understand what was expected and needed from them in terms of filming on the City's property. Councilmember Faraldi stated that he broadly agreed, but the challenge was that if he filmed on public property and then turned that into some form of marketable, tangible product, there was a commercial aspect to it. He stated that it was listed that drones could not be used, and it was not clear if that only applied to drones on public space, and fireworks were also prohibited. He stated that he agreed with the sentiment but they should be intentional in the wording.

Vice Mayor Wright stated that by being so prescriptive, it might raise challenges for people. He asked how the ordinance would be enforced and to what extent. Mr. Freedman stated that these were all current requirements the City required in order to film in the City, so they were not arbitrarily created. If this was something that City Council wished to pursue, there was a way to allow for discretion from the Economic Development Office, subject to the appeal of the City Manager. These were informal requirements from the Economic Development Office that were made enforceable by the ordinance. Vice Mayor Wright stated that he agreed that discretion would be useful.

Councilmember Helgeson stated that the ordinance seemed to seek out new problems, and he would prefer the encouragement of filming in the City without bureaucratic involvement.

City Attorney Mr. Matthew Freedman stated that if this item came back before City Council, it was including the clause for allowing discretion for exceptions by the Director of Economic Development subject to the appeal of the City Manager. Vice Mayor Wright stated that his recommendation to counsel would be to take the feedback received this evening and bring it back to Council at a later date.

// In the matter of Planning, Agenda Item #4b, Council received a briefing on the petition to rezone 3300 Carroll Avenue from I-2, Light Industrial District to B-5, General Business District. This item will appear for City Council vote on the December 13, 2022 Public Hearing agenda. Ms. Rachel Frischeisen, Planner II, gave a brief summary to Council. Grace Orthodox Presbyterian Church is petitioning to rezone approximately ninety-seven hundredths (0.97) of an acre located at 3300 Carroll Avenue from I-2, Light Industrial District to B-5, General Business District. The rezoning would bring the existing church into

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conformity with the zoning ordinance and allow expansion. The church has been in operation since at least 1955 and is currently considered a legal nonconforming use in the I-2, Light Industrial District. On October 26, 2022, the Planning Commission recommended approval (6-0) (with 1 vacancy) of the rezoning petition, and the Planning Division recommended approval of the petition.

Councilmember Helgeson asked if there were any unintended consequences that the church building may experience if they rezoned from I-2 to B-5. Ms. Frischeisen answered that rezoning was necessary to allow for the expansion on the property because it currently was a nonconforming use and could not be expanded otherwise.

// In the matter of Roll Call, Agenda Item #5, Councilmember Wilder congratulated the One Community One Voice and the Police CAT Team for staying out in the rain to pass out candy to children, and it was wonderful to see their community working together to better their community. He stated that the CAT Team has been very active with One Community One Voice, and the Police and Fire Departments have been coming out monthly. He stated that they talked about the two shootings that occurred this week and how to work together to address the situations of violence and shootings. He stated that churches, synagogues, the faith community, parents, and witnesses all have to work together to solve the community-wide problem. He recommended becoming mentors to children in their community through Big Brothers, Jubilee, Boys & Girls Club, and other various places where people could give back. He announced that this Wednesday, at Starr Hill Brewery from 4 p.m. to 9 p.m. there will be the sign-up for the Mustaches for Kids event, which raises funds for children in the community. He stated that it would be great to have City staff participation in the event, which had over 100 men who grew mustaches in 30 days, and usually raised about \$300,000 in that time. He said that it is a great show of how people cared for children in the City. He announced that Friday will be the Pancake Jamboree, which is held by another great organization, The Exchange Club, giving back to the community.

Councilmember Helgeson stated that the news is heartbreaking in its coverage of crime and shootings in the area. He stated that looking at the coverage of Birchwood Apartments, they could see the little numbers, which probably meant 41 empty casings. He stated that looking at the James Crossing shooting, and Cabell Street last night, and then listening to the single woman interviewed on the news breaks his heart. He stated that she said that she did not want her kids going outside without an adult. He

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said that there are some rotten things from the national malarkey that has happened, and it was coming here. He stated that it broke his heart, and he hoped that they would not force single women protecting their kids to pay the highest fee in the state for a concealed weapon permit to defend themselves and their family. He stated that he would like to see something done about the sidewalks to nowhere. He said that when a church has to divert \$100,000 to build a sidewalk, he would rather have it go to the building. He stated that he understood the purpose of it, but was interested in discussing if there was an ability to figure out something different.

Councilmember Tweedy asked if the City Attorney could give information related to personal conflict in lobbying for varying policies and regulations by Councilmembers. She said that she did not know what that may be, but if there was any type of regulation or legislation about that, she would like to see it.

Councilmember Nelson stated that City Council has many responsibilities, but crafting the annual budget is arguably the most important of its duties. He stated that City Council traditionally started formulating its annual budget each February, when local elections were held in May and newly-elected Councilmembers took office in July, at a time when Council's summer agenda was light and the budgeting process was many months away. He stated that because local elections are now held in November, newly-elected Councilmembers will resume their respective offices in January, thereby immediately placing weighty budgeting responsibilities on non-incumbent Councilmembers who may have little or no practical experience on City Council. He stated that that is one of the many reasons why he opposed the Virginia General Assembly's ill-conceived mandate to move all local elections to coincide with the November General Election. He stated that because he did not seek reelection to City Council, next Tuesday's election will determine the successor to his vacated seat on this dais. He said that he wants that successor, whoever it is, to be oriented and qualified as soon as possible to undertake the responsibilities of this office, and not delay that process until January 2023, which would be on the eve of City Council's 2023 budgeting process. He stated that orientation to the duties of service on this Council is neither quick nor easy, and he believes that the orderly, non-contentious, courteous, and respectful transfer of political office from one elected officeholder to the next is essential to ensure the survival of the nation's constitutional system of representative democracy. He stated that likewise, as an old coach, he

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often uses sports analogies to illustrate a point. He stated that in that context, he views Lynchburg as his team and their team, and he views himself as a player on their City's team. He stated that as a team player, he feels an obligation to whoever took his position on their team to be as well-prepared as possible to confront their team's challenges before the tough competition of the 2023 budgeting season began in February, because their team's success may depend on it. He stated that if his position on City Council is vacated next week, City Council could call a special meeting to expeditiously appoint one of the newly-elected, non-incumbent victors in that election to fill that vacancy, at a time after Lynchburg voters had made their choice, but well before the budgeting season begins next year. He said therefore, he announced his resignation from Lynchburg City Council to be effective at noon, Monday, November 7, 2022, and he urged City Council to thereafter hold a special meeting to appoint one of next Tuesday's non-incumbent election victors to fill that vacancy, enjoy a smoother orientation, and gain a little more experience in this office before Council's budgeting process begins. He stated that accordingly, tonight will be the last time that he will sit on the dais, and perhaps the last time he will be with any of them in these Council chambers. He said that he offers each of them his sincerest gratitude for the efforts and sacrifices, the time and talent, of all City employees and administrators had given to him and his citizens during his four terms in office on City Council. He stated that said that as he vacated his seat, he repeated the words he expressed in 2010, when he first announced his candidacy of election to occupy this seat. He said "I do not do this because it is easy, I do not do this because it is profitable, I do not do this because it is convenient. I do it because it is right and virtuous to put the needs and interests of all of the people of Lynchburg first." He gave thanks to everyone and said that he had and will continue to cherish the privilege and honor to serve on this Council, and to have promoted the diverse interests of everyone in the City. He stated that in pursuit of inclusive ideas, outcomes, and representative democracy, he urged all of them and their successors to embrace the virtues of unbiased, courteous, and nonpartisan public service on this Council and throughout this community. He stated that he prayed that all City Council members, both present and future, will collaborate, cooperate, and be willing to accept compromise when crafting solutions to their City's challenges.

Vice Mayor Wright thanked Councilmember Nelson for over 12 years of principled, committed service to the community. He said that he hoped they would have the opportunity to thank

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Councilmember Nelson wholesomely as a Council and community at a date not too distant in the future. He stated that it was telling of Councilmember Nelson's service on this body that another former member, Councilmember Turner Perrow, had joined them this evening, and he thanked Mr. Perrow for being present as well.

Councilmember Faraldi stated that his heart was full yet empty. He said that no words could adequately summarize the respect, appreciation, and gratitude that he and so many others had for Councilmember Nelson and the service he had offered the City of Lynchburg. He said that in ways, this moment was the culmination of a lifetime of service to the City and all that it stands for. He stated that there would be some who would praise Councilmember Nelson for leaving this dais, but he would not be one. He stated that the friendship and camaraderie they had fostered during the last 2.5 years had led him directly to realize the great loss that this government and the community would feel by his leaving Council. He said that on any issue, they may arrive at different conclusions, yet that never once had forced them from being neighbors, colleagues, and friends, nor would he ever expect it to. He said that this was what makes Councilmember Nelson a treasure to cherish. He said that while one may disagree with any of Councilmember Nelson's stances, comments, or proposals, they find themselves walking together as fellow citizens. He said that it cannot be denied the example Councilmember Nelson had set forth to all of them, constantly being true to himself and the principles that guided him. He said that in the charged, modern-day political environment, they should all strive to be more like Councilmember Nelson. He said that his tender resolve, humble spirit, and gentlemanly zeal were attributed to what he only remotely wished to obtain or emulate. He said that Councilmember Nelson was the consummate gentleman, and he prayed to the Almighty that he may fracturally present himself in that manner. He said that he had often said to both him in private and to others publicly that Councilmember Nelson was a picture of what he strived daily to be as a Councilmember, albeit with a slightly different voting record. He said that though he may not realize it, he was his mentor, his confidant, and most importantly, a dear friend. He said that he knew he still planned on calling Councilmember Nelson for his wise counsel and attentive ear for those times when he might not know how to move forward or to take a step backward, because he knew that there was no more honorable or faithful representative to the people of Lynchburg. He said that out of his love for Lynchburg's citizens, Councilmember Nelson's prudent word will still

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influence his own ear and the City for years to come. Councilmember Faraldi read from Philippians I. He said that in Christ, and in sincere gratitude, he thanked Councilmember Nelson.

// The meeting was recessed at 5:40 p.m.

// A regular meeting of the Council of the City of Lynchburg was held on the 1<sup>st</sup> day of November, 2022, at 7:30 p.m. in the Council Chamber, City Hall, Beau Wright, Vice President, presiding. The following Members were present:

|  |   |
|--|---|
| Present: Beau Wright, Jeff Helgeson, J. Randy Nelson, Treney Tweedy, Sterling A. Wilder, Chris Faraldi | 6 |
| Absent: MaryJane Dolan   | 1 |

// Councilmember Wilder gave the invocation, followed by the Pledge of Allegiance.

// In the matter of Recognitions, Vice Mayor Wright, joined by members of the American Red Cross, recognized city employee Ashton Allen for rendering lifesaving first aid at Miller Park pool.

// In the matter of Recognitions, Vice Mayor Wright recognized the International Economic Development Council's Gold Award.

// In the matter of the Consent Agenda, Agenda Item A, Council conducted a second reading and adopted Resolution #R-22-069 amending the FY 2023 City/Federal/State Aid Fund budget and appropriating \$42,448 to purchase law enforcement equipment for the Lynchburg Police Department and technology equipment for the Lynchburg Sheriff's Office and the Office of the Commonwealth's Attorney. On motion of Councilmember Nelson, seconded by Councilmember Wilder, Council by the following recorded vote approved the adoption:

|   |   |
|---|---|
| Ayes: Wright, Helgeson, Nelson, Tweedy, Wilder, Faraldi | 6 |
| Noes:   | 0 |
| Absent: Dolan   | 1 |

// In the matter of the Consent Agenda, Agenda Item B, Council conducted a second reading and adopted Resolution #R-22-070 amending the FY 2023 City/Federal/State Aid Fund budget and appropriating \$59,676 to purchase 69 replacement ballistic vests for law enforcement officers. On motion of Councilmember Nelson, seconded by Councilmember Wilder, Council by the following recorded vote approved the adoption:

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|---|---|
| Ayes: Wright, Helgeson, Nelson, Tweedy, Wilder, Faraldi | 6 |
| Noes:   | 0 |
| Absent: Dolan   | 1 |

// In the matter of the Consent Agenda, Agenda Item C, Council conducted a second reading and adopted Resolution #R-22-071 amending the FY 2023 City/Federal/State Aid Fund budget and appropriating \$50,160 to facilitate selective enforcement activities, equipment, and training. On motion of Councilmember Nelson, seconded by Councilmember Wilder, Council by the following recorded vote approved the adoption:

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|---|---|
| Ayes: Wright, Helgeson, Nelson, Tweedy, Wilder, Faraldi | 6 |
| Noes:   | 0 |
| Absent: Dolan   | 1 |

// In the matter of the Consent Agenda, Agenda Item D, Council conducted a second reading and adopted Resolution #R-22-072 amending the FY 2023 City/Federal/State Aid Fund budget and appropriating \$46,125 to facilitate speed enforcement activities. On motion of Councilmember Nelson, seconded by Councilmember Wilder, Council by the following recorded vote approved the adoption:

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|---|---|
| Ayes: Wright, Helgeson, Nelson, Tweedy, Wilder, Faraldi | 6 |
| Noes:   | 0 |
| Absent: Dolan   | 1 |

// In the matter of the Airport, Agenda Item #6, a public hearing was held and Council considered a resolution [later adopted on December 13, 2022] to authorize a Supplemental Lease Agreement between the City of Lynchburg and General Services Administration (GSA/TSA) and authorize the City Manager to execute the same. Council was previously briefed on this item at the October 25, 2022 work session. Mr. Andrew La Gala, Airport Director, gave a brief summary of the item to Council. The GSA has requested that Supplemental Lease Amendment No. 10 to the lease number GS-03B-03314 be added to (i) incorporate one (1) five (5) year, one (1) year firm, renewal option as well as an additional five (5) year renewal option, (ii) memorialize the paint and carpet refresh of the premises, and (iii) incorporate FAR 52.204-25 (AUG2020). This lease amendment is for office space at the Lynchburg Regional Airport for Transportation Security (TSA) personnel assigned to the airport. This lease amendment with renewal

option would be at an annual fixed commitment with an annualized 3% rate increase already built into the rent structure. The first five (5) years of the extended lease would be at an annual lease rate of \$79,960.62 and the renewal option would be at an annual lease rate of \$92,696.28. This includes an annualized 3% rate increase over a period of the term of the lease agreement.

Citizen Timothy Santiago spoke in opposition of the resolution, stating that the annualized 3% rate increase was not keeping up with inflation so that the City got what it deserved.

Vice Mayor Wright closed the public hearing and the matter rested with Council.

Councilmember Helgeson made a motion, seconded by Councilmember Wilder, to adopt the Supplemental Lease Amendment No. 10 with General Services Administration (GSA).

Councilmember Helgeson asked if Mr. LaGala could address the issue of inflation in regard to this agreement. Mr. LaGala stated that to remain consistent with all federal grant assurances and other agreements, they determined that 3% was the average of the Consumer Price Index over the past 15 years, and GSA was agreeable to it.

With no further discussion from Council, the following vote was recorded:

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|---|---|
| Ayes: Wright, Helgeson, Nelson, Tweedy, Wilder, Faraldi | 6 |
| Noes:   | 0 |
| Absent: Dolan   | 1 |

// In the matter of Planning, Agenda Item #7, a public hearing was held and Council considered adopting an ordinance approving the petition of Candlewood, LLC to rezone 102 Gardens Way from R-1, Low Density Residential District to R-4C, High Density Residential District (Conditional). Council was previously briefed on this item at the October 25, 2022 work session. Ms. Rachel Frischeisen, Planer II, gave a brief summary of the item to Council. Candlewood, LLC is petitioning to rezone one and twenty-nine hundredths (1.29) acres located at 102 Gardens Way from R-1, Low Density Residential District to R-4C, High Density Residential District (Conditional). The rezoning would allow the construction of six (6) townhomes with associated access and utilities. On October 12, 2022, the Planning Commission recommended Approval (3-1, with 2 members absent—Light and Bowden, and 1 vacancy) of the rezoning petition, and the Planning Division recommended approval of the rezoning petition.

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Mr. Jamey White, of White Engineering and Design, stated he was representing the petitioner, and addressed the Council. He stated that this proposal was for an expansion of an existing patio home and for creation of six identical patio homes to what was already in the neighborhood, with access from Candlewood Court. He stated that there was available water and sewer access, and the units would be for-sale and part of the same Homeowners' Association as the rest of the Candlewood Court development.

Citizen Timothy Santiago spoke in opposition to the proposed rezoning due to traffic concerns from the crowded development, and asked the Council not to approve the proposal on the grounds that they needed to look at their infrastructure first before allowing more development.

Mr. White stated that he appreciated the comment, and they all knew that some areas, especially in Timberlake Road area were busy. However, what was proposed was meeting the requirements or suggestions of the Future Land Use Map (FLUM) and would have less traffic impacts than an apartment complex.

Vice Mayor Wright closed the public hearing and the matter rested with Council.

Councilmember Faraldi asked if the road for access would be a privately maintained street. Mr. White answered that the new road coming in was private. He stated that the amount of development in the area could not support more, and for that reason he motioned, seconded by Councilmember Helgeson, to deny the petition.

Councilmember Helgeson stated that a drastic change from R-1 to R-4 zoning would signal to other adjacent properties that rezoning to higher density was acceptable, which could degrade the area, and he would be voting against the petition.

Councilmember Wilder asked how many townhomes could be built by right on the property. Ms. Frischeisen replied that townhomes were not allowed in the R-1 zoning district, but the property could have three single family homes by right.

Councilmember Tweedy noted that City Council has the power to give direction as to what development should be in the area by amending the FLUM, by incentivizing certain development initiatives, and putting a moratorium on development. Mr. Benda stated that they had not yet talked to the colleges in depth, but as part of the comprehensive plan, housing was in the RFP and would be a part of

their future discussions. He said he could provide further information regarding the number of pending development projects.

Mr. Freedman clarified that each zoning decision was independent of itself.

Councilmember Nelson stated that the level of development was appealing, but in weighing the alternative considerations, he believed the issue of green space should not be ignored, and changing this zoning would eliminate the buffer between the commercial development on Timberlake and the residential.

Councilmember Wilder asked if the Planning Commission had discussed the zoning moving from R-1 to R-4. Ms. Frischeisen said not specifically. Councilmember Nelson noted that two members of the Planning Commission were absent at the vote. Councilmember Wilder stated that the City Council had to give direction to guide the development, as well as discuss student housing with the colleges in the City.

Vice Mayor Wright asked staff if anyone had interest in developing single family homes on this lot. City Planner Mr. Tom Martin replied no, not that he's aware of. Vice Mayor Wright asked if the proffer that limited the development to six units would stay with the property. Ms. Frischeisen said that was correct, the proffers were part of the zoning permanently until someone else rezoned it to amend a proffer or go to a different zoning district. Vice Mayor Wright asked if the Planning Division had ascertained that traffic would not be of severe issue. Ms. Frischeisen said that was correct, the City Traffic Engineer did not require a traffic study for a development of this size. Vice Mayor Wright stated that he was supportive of the petition, but understood the concerns that members had.

With no further discussion from Council, the following vote was recorded:

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|---|---|
| Ayes: Nelson, Tweedy, Helgeson, Faraldi | 4 |
| Noes: Wright, Wilder                    | 2 |
| Absent: Dolan                           | 1 |

// In the matter of Planning, Agenda Item #8, a public hearing was held and Council considered adopting Resolution #R-22-073 approving the Conditional Use Permit (CUP) to allow the construction of a new five hundred (500) seat sanctuary in an R-4, High Density Residential District. Council was previously briefed on this item at the October 25, 2022 work session. Ms. Rachel Frischeisen, Planner II, gave a brief summary of the item to Council. Providence Church is petitioning for a CUP at 108 Melinda Drive to allow

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the construction of a new five (500) seat sanctuary in an R-4, High Density Residential District. The subject property is zoned B-3C, Community Business District (Conditional) near the corner of Melinda Drive and Wards Ferry Road, with the remainder zoned R-4, High Density Residential District. The proposed sanctuary would be located in the R-4, High Density Residential portion of the property. Churches and their associated uses are permitted in the R-4, High Density Residential District upon approval of a CUP from City Council. On September 28, 2022, The Planning Commission recommended Approval (5-0, with 1 member absent, Light and 1 vacancy) of the CUP Petition, and the Planning Division recommended approval of the CUP petition.

Ms. Amy Seipp, Partner at Accupoint Surveying & Design, stated she was representing the church, and presented to Council.

There was no one to speak in favor or opposition, either by phone, email, or in-person, so the public hearing was closed and the matter rested with Council.

Councilmember Helgeson motioned, seconded by Vice Mayor Wright, to approve the Resolution #R-22-073. He stated that he hoped the church would not have to build the required sidewalk because it did not had connecting ends.

Councilmember Faraldi asked why the sidewalk was required. Ms. Frischeisen stated that when the zoning ordinance was amended in 2016, they initially required sidewalks with all site plans, and in 2017, Council directed staff to proceed with amendments to the sidewalk ordinance in order to allow flexibility with requiring sidewalks across street frontage for all new development and requiring sidewalks along primary and secondary frontages. When the redevelopment of an existing site reached a certain threshold of disturbance or improvements, they would have to put in a sidewalk. Councilmember Faraldi asked if stormwater drainage would be provided with the construction of the sidewalk. M. Frischeisen said no. Councilmember Faraldi said that he was inclined to not support the application due to the unnecessary requirement of the sidewalk. Vice Mayor Wright asked if it was correct that the City ordinance required the development carry the sidewalk. Ms. Frischeisen said yes, in the code it was left up to the Zoning Administrator. Vice Mayor Wright asked if the Zoning Administrator determined that this application was not exempt from providing the sidewalk. Ms. Seipp stated that by formula, the property did not meet the threshold for exemption of providing the sidewalk.

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Councilmember Helgeson asked if he could amend the motion to approve the petition without requiring the sidewalk ordinance. Mr. Freedman replied that because it was the determination of the Zoning Administrator, he would not be comfortable answering without speaking to the Zoning Administrator. Mr. Tom Martin, City Planner, stated that regardless of whether or not Council decided to adopt the CUP tonight, the petitioner was required to put the sidewalk in. If Council wanted to revisit sidewalk discussions, they would have to collectively as a body direct staff to advertise that for public hearings. Councilmember Helgeson said that he would approve of amending the zoning ordinance. Mr. Martin said that it was a matter of how they infilled the infrastructure across the City.

Councilmember Nelson asked if the ordinance were modified in some way, was there a feature or fact about the subject property that they could find justifying some exemption for sidewalk installation in light of all the benefits that sidewalks brought to the community. Ms. Frischeisen said that such a change would likely have to be influenced by traffic count.

Vice Mayor Wright called for the vote. With no further discussion from Council, the following vote was recorded:

|   |   |
|---|---|
| Ayes: Wright, Nelson, Tweedy, Helgeson, Wilder, Faraldi | 6 |
| Noes:   | 0 |
| Absent: Dolan   | 1 |

// Mr. Benda stated that the applicant of Agenda Item #9 was unable to attend tonight's meeting due to illness and had asked for the item to be continued to a future meeting.

Vice Mayor Wright asked the City Attorney if a vote from Council was needed to continue the item to a future meeting. Mr. Freedman stated that the Council's vote would be whether to table the matter indefinitely at this point, and then Council could bring it up again later on.

Councilmember Faraldi stated that residents were attending the meeting to address this matter, and there had been ample opportunity to hear from the developer and Community Development, so he would like this item to move forward accordingly.

Councilmember Nelson stated that this was an issue that was someone debated and contentious, and for the petitioner not to have their spokesman present to respond to any criticisms or to provide insights was not the proper way to make decisions on their City's business. He stated that he would be in

favor of passing it over until they had all the resources and voices in the room to address all the questions from Council. He motioned, seconded by Councilmember Wilder, to table the item.

Councilmember Faraldi stated that it was unfortunate that the petitioner's representative was ill, but they had ample opportunity to discuss the matter with the City staff and Planning Commission, and it was incumbent upon Council to prioritize the citizens who wished to speak to this matter at tonight's meeting. He proposed the public hearing be held tonight to hear from the public and kept open. He stated that he would be voting against the motion.

Councilmember Helgeson asked if the developer was present for the meeting. Mr. Benda answered that the developer was present, but the representative in charge of the presentation was not. Councilmember Helgeson stated that he would be voting against the motion to table the item, because it was unfair to those neighbors who showed up to speak.

Vice Mayor Wright asked the City Attorney if the item was tabled indefinitely that it would need to go through the process of a public hearing advertisement and hearing per state code. Mr. Freedman stated that was correct. Council could pose the question to Planning staff if it would be feasible to have all the advertisements and postings completed by December, they could table it to a date certain in December.

Councilmember Nelson asked Mr. Freedman if they could bifurcate the public hearing and hear from those who had something to say tonight. Mr. Freedman stated that they could, but they would not close the public hearing, and would keep it open until the next meeting in December. Councilmember Nelson amended his motion, seconded by Councilmember Wilder, to proceed with the public hearing and keep the public hearing open to the December 13, 2022 meeting.

Councilmember Faraldi asked if it was a feasible option to hold the public hearing open until the date of December 13, 2022; Mr. Benda answered yes.

Councilmember Nelson asked Mr. Freedman if further advertisement was necessary if the public hearing was continued; Mr. Freedman answered no.

Vice Mayor Wright called the vote. The following vote was recorded:

|                                      |   |
|--------------------------------------|---|
| Ayes: Nelson, Tweedy, Wright, Wilder | 4 |
| Noes: Helgeson, Faraldi              | 2 |

Absent: Dolan

1

In the matter of Planning, Agenda Item #9, a public hearing was held and Council considered approval of a petition to amend the Future Land Use Map (FLUM) from Medium Density Residential to High Density Residential and to rezone 1114, 1126 & 1168 Old Graves Mill Road from R-2, Low-Medium Density Residential District to R-4C, High Density Residential District (Conditional). Council was previously briefed on this item at the October 25, 2022 work session. Ms. Rachel Frischeisen, Planner II, gave a brief summary of the item to Council. ZZ & ZZ, LLC is petitioning to rezone approximately eleven and ninety-three hundredths (11.93) acres located at 1114, 1126 & 1168 Old Graves Mill Road from R-2, Low-Medium Density Residential District to R-4C, High Density Residential District (Conditional). The rezoning would allow the construction of one hundred sixty-nine (169) apartments, twenty-nine (29) condominiums, office, club house, pool, and two hundred sixty-two (262) parking spaces. On October 12, 2022, the Planning Commission recommended Approval (3-1, with 2 members absent, Light and Bowden and 1 vacancy) of the FLUM amendment and of the rezoning petition, and the Planning Division recommended approval of the petitions with the addition of proffers.

Vice Mayor Wright opened the public hearing.

Mr. Jason Brown stated that he was a Principal with ZZ & ZZ, LLC, and addressed Council. He noted that there were only so many spaces to provide the needed affordable housing in the City, and this proposal would provide homeownership options to renters.

Citizen Letitia Lowery stated that she was a resident of Ward II, and that she was not for or against the development, but was concerned about how a large development such as the proposed would impact the schools, which could not infrastructurally support this unless they worked to build schools and developments together.

Citizen Timothy Santiago addressed the Council and spoke in opposition of the project because of the traffic congestion issues that would be worsened, and it should be considered that no further development should take place until they confirmed the roads could handle the growth and subsequent traffic.

Citizen Albert Billingsley stated that he represented the Windsor Hills Neighborhood Association, and spoke in opposition of the project due to the Association's concerns with how many developers chose

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to build apartments, the lack of single-level housing, and road congestion. He requested the Council give consideration to the neighborhood residents who had to deal with this every day.

Citizen Chris Mitchell stated that she was a resident of Windsor Hills and spoke in opposition of the project due to the high number of apartments in the area and the traffic concerns on Old Grave Mills Road. She requested Council consider limiting the type of development as well as promoting availability of green space.

Clerk of Council Ms. Alicia L. Finney read Charles Gammon's email into the record in opposition of the petition.

Ms. Finney read Michael Hall's email into the record in opposition of the petition.

Ms. Finney previously received a letter from Citizen Albert Billingsley to read into the record, however, since he was able to attend the meeting in person, she stated that she would not be reading his statement into the record.

Ms. Finney read Jay Martin's email into the record in support of the petition.

Ms. Finney read a form email into the record in opposition of the petition, sent in by Cassandra Taylor, Brian Zubroski, Letitia Lowery, George Harton, Dennis Toothman, Loretta Doty, John Ritchey, Kathy Germeroth, Keith Ballengee, Angelia Colinger, and Lorraine.

Vice Mayor Wright stated that the public hearing would be continued to the December 13, 2022 meeting of the Lynchburg City Council.

// In the matter of Planning, Agenda Item #10, a public hearing was held and Council considered adopting Ordinance #O-22-074 approving the petition of Joel Sutton, Sutton Landscaping to rezone 2025 Lakeside Drive from B-1, Limited Business District to B-5C, General Business District (Conditional). Council was previously briefed on this item at the October 25, 2022 work session. Ms. Rachel Frischeisen, Planner II, gave a brief summary of the item to Council. Joel Sutton, of Sutton Landscaping, is petitioning to rezone approximately four hundred seventy-seven thousandths (0.477) of an acre located at 2025 Lakeside Drive from B-1, Limited Business District to B-5C, General Business District (Conditional). The rezoning would allow the use of the existing building as a landscaping services office and on-site parking of commercial vehicles. On October 12, 2022, the Planning Commission recommended Approval (4-0, with

2 members absent, Light and Bowden and 1 vacancy) of the rezoning petition, and the Planning Division recommended approval of the rezoning petition.

Ms. Amy Seipp, Partner at Accupoint Surveying & Design, stated that she was representing the Mr. Sutton, and presented to Council.

Citizen Timothy Santiago addressed the Council and spoke in favor of the petition because the renovation of the property would raise property values.

Seeing no further speakers, Vice Mayor Wright closed the public hearing and the matter rested with Council.

Councilmember Helgeson asked if the proffers limited the use of the B-5 zoning to only include allowance of parking pickup trucks and trailers, and the other B-1 uses would remain. Ms. Frischeisen said that was correct.

Councilmember Nelson motioned, seconded by Councilmember Faraldi, to approve the Ordinance #O-22-074.

With no further discussion, the following vote was recorded:

|   |   |
|---|---|
| Ayes: Wright, Nelson, Tweedy, Helgeson, Wilder, Faraldi | 6 |
| Noes:   | 0 |
| Absent: Dolan   | 1 |

// In the matter of Public Comment, the Council heard from a Citizen Timothy Santiago, resident of Ward II, addressed the Council regarding the Rules of Procedure Rule 6.9a, the duty to vote. He stated that the only time a Councilmember should abstain from a vote is when there is a conflict of interest.

//Councilmember Tweedy requested that City staff discuss the development in different areas of town and the pending development projects.

Councilmember Nelson stated that it had been a pleasure working with everyone, with staff, and engaging with the citizens and all the businesses in the City. He said he would not trade his almost-13 years on Council for anything.

// The meeting adjourned at 9:40 p.m.

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Clerk of Council

November 14, 2022

// A special called meeting of the Council of the City of Lynchburg and its local delegation was held on the 14th day of November, 2022, at 6:00 P.M. at the University of Lynchburg, MaryJane Dolan, President, presiding. The following members of City Council were present:

|  |   |
|--|---|
| Present: MaryJane Dolan, Jeff Helgeson, Treney Tweedy, Sterling A. Wilder, |   |
| Chris Faraldi  | 5 |
| Absent: Beau Wright  | 1 |

// The following local legislatures were present:

|   |   |
|---|---|
| Present: Steve Newman (Senate of Virginia, District 23), Mark Peake (Senator of Virginia, District 22), Wendell Walker (Virginia House of Delegates, District 23), Kathy Byron (Virginia House of Delegates, District 22) | 4 |
| Absent:   | 0 |

// The following Councilmembers-elect were present:

|   |   |
|---|---|
| Present: Stephanie Reed, Larry Taylor, Martin Misjuns | 3 |
| Absent:   | 0 |

// Councilmember Wilder gave the Invocation, followed by a dinner served in the Drysdale Student Center of the University of Lynchburg.

// Michelle Gowdy, President of the Virginia Municipal League, a statewide, nonprofit, nonpartisan association of city, town and county governments which aims to improve and assist local governments through legislative advocacy, research, education and other services. Ms. Gowdy spoke to the dinner guests about the upcoming General Assembly.

Mr. Jim Regimbal, Virginia First Cities Policy Director/Fiscal Analytics, LLC, provided dinner guests with an overview of the State's budget and an economic outlook.

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// Senators Newman and Peake and Delegates Walker and Byron were afforded the opportunity to give remarks regarding the upcoming General Assembly session.

// The meeting adjourned at 7:30 p.m.

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Clerk of Council

December 13, 2022

// A regular meeting of the Council of the City of Lynchburg was held on the 13<sup>th</sup> day of December 2022, at 4:00 p.m. in Council Chamber, City Hall, MaryJane Dolan, President, presiding. The following Members were present:

|   |   |
|---|---|
| Present: MaryJane Dolan, Beau Wright, Jeff Helgeson, Treney Tweedy, Sterling A. Wilder, Chris Faraldi | 6 |
| Absent:   | 0 |

// In the matter of Finance, Agenda Item 1, Council received a presentation of the Annual Comprehensive Financial Report from Mr. Chris Banta with Brown Edwards. The audit gave an unmodified opinion of the City's financial statements, detected no material weaknesses or significant deficiencies, found one immaterial item in the compliance supplement, and found one immaterial item in the federal single audit portion. There were no significant matters in either the City or the Schools' audit, and a copy of the management representation letter was provided in the materials.

// In the matter of Parks and Recreation, Agenda Item 2, Council received a presentation of the Parks and Recreation Master Plan. Ms. Jenny Jones gave a summary of the item to Council. Mr. Josh Gulick of Lose Design presented the findings and recommendations for the project. The recommendations included upgrades to individual parks, increased trail activity, developing a new indoor multipurpose facility, and expanding the Templeton Senior Center in order to provide recreation that can accommodate the residents of Lynchburg in ten years.

Councilmember Faraldi asked if data could be provided about how many people polled did not have access to trails. Mr. Gulick stated that it could be provided but would be in rough figures. Councilmember Faraldi asked if IP addresses of the respondents were provided. Ms. Jones answered no. Councilmember Faraldi stated that there was a dire need for green space in the southern part of town, which must be considered in Council discussions about future development in the City. Mr. Gulick stated that the purpose of this plan for the parks was to be used in conjunction with zoning and land use in the future development of the City.

Councilmember Wilder stated that he supported the use of connectivity in the plan, and the proposed investment in trails that would make the City more enticing for residents.

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Councilmember Helgeson stated that the plan must be very targeted to most effectively use Capital Improvement Plan funds.

// In the matter of City Council, Agenda Item 3, Council received an overview of the City of Lynchburg's 2023 Legislative Agenda from Mr. Wynter C. Benda, City Manager. Each year, the City Manager works with the City department heads, City appointees, Constitutional Officers and their staff and others on what topics, focus areas and/or potential bills/resolutions are important to the City of Lynchburg that will first be presented to City Council and later adopted by them as the City's "legislative package" so as to position it well for the impending Virginia General Assembly Session. The items of particular import to the City of Lynchburg were noted to be the emergency custody orders and temporary custody orders for the police, appropriate funding for state offices, and swatting.

Councilmember Helgeson stated that there must be additional action taken to reduce the amount of time police officers spent with individuals awaiting psychiatric care. Mayor Dolan stated that there was a task force that was addressing the issue at the state level.

Councilmember Faraldi stated that he would like to see inclusion of language similar to Roanoke's legislative portfolio regarding rollback of primary enforcement traffic offenses and presumption against bail. He noted that the document may benefit from being shortened.

// In the matter of Lynchburg Redevelopment & Housing Authority, Agenda Item 4, Council was briefed on the authorization of the designation of the Dearington Hills Apartments as a revitalization area. This item will appear before City Council for action on December 13, 2022. Dr. John Hughes gave a summary of the item to Council. The Lynchburg Redevelopment and Housing Authority (LRHA) are working to submit a 2022 Tax Credit Application. Mary Mayrose, Executive Director of LRHA, has requested that City Council acknowledge by resolution that the area of Dearington Hills is a revitalization area as evidenced by the City's Comprehensive Plan.

Councilmember Wilder asked how many units were currently on the property. Ms. Rose stated that on the entire property there were 100 units, the first phase would be 80, the second phase would be an additional 100, and the third phase would finalize it at 242. Councilmember Wilder asked if all of the units would be apartments. Ms. Mayrose stated that there were different architectural styles proposed at this time, including rowhouses, townhouses, a senior property, and garden-style apartments.

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// in the matter of Community Development, Agenda Item 5, Council received a briefing on the FY 2024 Community Development Block Grant (CDBG) Annual Action Plan Goals. This item will appear before City Council for action on January 10, 2023. Ms. Melva Walker, Grants Manager, gave a summary of the item to Council.

// In the matter of Planning, Agenda Item 6, Council received a briefing on the Eastwood Park Future Land Use Map Amendment and Rezoning. This item will appear before City Council for action on January 10, 2023. Ms. Rachel Frischeisen, Planner, gave a summary of the item to Council. The Planning Commission recommended denial of the application on November 9, 2022.

Councilmember Faraldi asked what procedure the City had with these types of developments so far as rearranging the order of events to prevent unnecessary tree removal. Ms. Frischeisen stated that clearing and logging were not determined by the rezoning, so that activity was permitted regardless. Councilmember Faraldi asked if there was precedent of a locality requiring approval prior to tree clearing of a certain acreage. Ms. Frischeisen replied that the Department of Forestry oversees logging, so they would have to research that.

Councilmember Wilder stated that it would be helpful to have a work session with the Planning Commission and developers in order to discuss the future development of the City. Mr. Benda stated that staff was currently gathering information from developers about the housing type and locations being developed in the City.

// In the matter of Planning, Agenda Item 7, Council received a briefing on granting a Conditional Use Permit (CUP) to TPB Enterprises, LLC to allow the construction of 306 apartments at 1001, 1009 Dillard Drive and 2009 Enterprise Drive. This item will appear before City Council for action on December 13, 2022. Ms. Rachel Frischeisen, Planner, gave a summary of the item to Council. TPB Enterprises is petitioning for a CUP at 1001, 1009 Dillard Drive & 2009 Enterprise Drive to allow the construction of three-hundred and six (306) apartments in a B-3C, Community Business District (Conditional). Apartments and their associated uses are permitted in this zoning district upon approval of a CUP from City Council. City Council previously approved the CUP petition of 434 Center, LLC (Gary Schmincke) for one hundred sixteen (116) apartment units and associated gymnasium / commercial space at this location on August 13, 2019, which has expired. CUPs are valid for twenty-four (24) months once issued.

A traffic analysis was conducted in 2019 as part of the original petition. This study indicated that based upon the proposed one hundred sixteen (116) apartments and associated gymnasium /commercial space there would be no “appreciable impacts caused by the construction of the multi-use development”. The only warranted improvements indicated were left and right turn lanes to the proposed entrance from Enterprise Drive. While not warranted by the traffic analysis, City staff worked with the petitioner to include widening and restriping Dillard Drive from Enterprise Drive to the development driveway. As part of the current request, new trip generations based upon the updated concept plan were prepared by Engineering & Planning Resources using the ITE Trip Generation Manual V11. The updated trip generation based upon an increase to three-hundred and six (306) residential units, with the proposed reduction in gymnasium / commercial space, results in a decrease in the total vehicle traffic, including the number of weekday trips, AM peak trips and PM peak trips.

Vice Mayor Wright asked how the traffic impacts from J. Crew were addressed. Ms. Frischeisen stated that the J. Crew had a high number of seasonal employees, the memo indicated no additional improvements were needed beyond the original proffers, and the petitioner showed a right-in right-out turn on Enterprise Drive. Mayor Dolan stated that the 2019 traffic study did not extend to the area that included the J. Crew. Mr. Lee Newland, City Engineer, stated that the traffic study from 2019 was done by Hurt & Proffitt, and looked at the intersection of Dillard Drive and Enterprise Drive should have taken into account the traffic down Dillard Drive.

Councilmember Faraldi stated that he would not be supporting the item because of the traffic congestion on Enterprise Drive.

Councilmember Wilder asked if notices were sent to residents in the area to communicate that there would be a public hearing. Ms. Frischeisen stated that required notice included posted signs along the frontage, legal notice in the newspaper, and notification of property owners within 200 feet of the property, which must be posted 30 days before the public hearing of the Planning Commission.

// In the matter of Roll Call, Councilmember Faraldi thanked everyone who participated in Mustaches for Kids. He commended Heritage and E. C. Glass High Schools with the strides made in their football programs this year. He stated that it was a really good thing to see how Heritage in the second half of the game put up such a fight until the very end. He commended Coach Bradley and the rest of the coaching

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staff and team for their zeal and making Lynchburg proud. He stated that the Christmas Parade seemed to go very well and was well-received by its attendees. He stated that he was looking forward to celebrating the Christmas holiday and rest of the holiday season with family, and hoped everyone else did as well.

Councilmember Wilder stated that Mustaches for Kids raised \$503,000 in 30 days, which was amazing for the children in the community. He commended all the City staff, Police Chief, Fire Chief, and others for participating in the project.

// On motion of Councilmember Wilder, seconded by Councilmember Helgeson, Council, by the following recorded vote, elected to hold a closed meeting to discuss the resolution of an active lawsuit currently faced by the City pursuant to Section 2.2-3711(7) and 2.2-3711(8) of the Code of Virginia, 1950, as amended, and to discuss the appointments to the following boards and commissions: Lynchburg Regional Airport Commission, Planning Commission, Community Development Advisory Committee, Horizon Behavioral Health Board of Directors, Economic Development Authority, Lynchburg Redevelopment and Housing Authority, Lynchburg Parking Authority, and Greater Lynchburg Transit Company Board of Directors, pursuant to Section 2.2-3711A(1) of the Code of Virginia, 1950, as amended.

With no other discussion from Council, the following vote was recorded:

|       |  |   |
|-------|--|---|
| Ayes: | Dolan, Wright, Helgeson, Tweedy, Wilder, Faraldi | 6 |
| Noes: |  | 0 |

// The meeting was reopened to the public.

// Councilmember Helgeson made the following motion:

WHEREAS, the Council of the City of Lynchburg has convened a closed meeting on this date, pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act; and

WHEREAS, Section 2.2 3712 of the Code of Virginia requires a certification by City Council that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Lynchburg certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open

meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by Council.

The motion was seconded by Councilmember Wilder. Councilmember Faraldi stated for the record that he had recused himself of discussion of the active lawsuit that the City is currently facing. By the following recorded vote, adopted the motion:

|       |  |   |
|-------|--|---|
| Ayes: | Dolan, Wright, Helgeson, Tweedy, Wilder, Faraldi | 6 |
| Noes: |  | 0 |

// On motion of Councilmember Helgeson, seconded by Councilmember Wilder, Council by the following recorded vote appointed the following members to the respective boards and commissions:

Lynchburg Regional Airport Commission: Deputy City Manager Greg Patrick for an indefinite term as the City Manager's by proxy; Mark Elliott for a new term ending December 31, 2025; Janice Crawford for a new term ending December 31, 2025.

Planning Commission: Dave Henderson for an unexpired term ending December 31, 2024.

Community Development Advisory Committee: Dr. Brenda Farmer for a new term ending December 31, 2023; Sandra Mitchell for a new term ending December 31, 2023; Lana Musgrave for a new term ending December 31, 2023; Kay Reid for a new term ending December 31, 2023; Sally Schneider for a new term ending December 31, 2023; Dr. Sterling Wilder for a new term ending December 31, 2023.

Horizon Behavioral Health Board of Directors: Betty Brickhouse for a new term ending December 31, 2025.

Economic Development Authority: Sean Huyett for an unexpired term ending June 30, 2026.

Lynchburg Redevelopment and Housing Authority: no appointments were made at this time.

Lynchburg Parking Authority

Greater Lynchburg Transit Company Board of Directors: Deputy City Manager Greg Patrick for an unexpired term ending December 31, 2023.

|       |  |   |
|-------|--|---|
| Ayes: | Dolan, Wright, Helgeson, Tweedy, Wilder, Faraldi | 6 |
| Noes: |  | 0 |

// The meeting was recessed at 6:23 p.m.

December 13, 2022

// A regular meeting of the Council of the City of Lynchburg was held on the 13<sup>th</sup> day of December, 2022, at 7:30 p.m. in the Council Chamber, City Hall, MaryJane Dolan, President, presiding. The following Members were present:

|   |   |
|---|---|
| Present: MaryJane Dolan, Beau Wright, Jeff Helgeson, Treney Tweedy, Sterling A. Wilder, Chris Faraldi | 6 |
| Absent:   | 0 |

// Councilmember Faraldi led the invocation, followed by the Pledge of Allegiance.

// In the matter of Recognitions, Mayor Dolan recognized Jenna Ng of the Mayor's Youth Council.

// In the matter of Recognitions, Mayor Dolan recognized the CO.STARTERS Graduates: Nicole Levasseur, Kathleen Davis, Tony Trupe, Trish Cerulli, Amy Robinson, Brittany Gallahan, Emily Johnson, Latia Hancock, Clover Charles, Leidra McQueen, Julie Palmer, Nikos Hawkins, Tara Johnson-Smith.

// In the matter of Recognitions, Mayor Dolan presented the keys of the City to the Honorable Councilmembers Beau Wright, Dr. Treney Tweedy, and Randy Nelson. Mayor Dolan noted that Mr. Nelson was not present to receive his recognition, so she would deliver it to him at a later date.

// In the matter of the Consent Agenda, Agenda Item 5, Council formally adopted Resolution #R-22-075 ratifying the GSATSA Lease Agreement. On motion of Vice Mayor Wright, seconded by Councilmember Wilder, Council by the following recorded vote approved the adoption:

|  |   |
|--|---|
| Ayes: Dolan, Wright, Helgeson, Tweedy, Wilder, Faraldi | 6 |
| Noes:  | 0 |

// In the matter of Planning, Agenda Item 6, a public hearing was held and Council considered adopting Ordinance #O-22-076 approving the rezoning of Grace Orthodox Church at 3300 Carroll Avenue. Ms. Rachel Frischeisen, Planner II, gave a brief summary of the item to Council. Grace Orthodox Presbyterian Church is petitioning to rezone approximately ninety-seven hundredths (0.97) of an acre located at 3300 Carroll Avenue from I-2, Light Industrial District to B-5, General Business District. The rezoning would bring the existing church into conformity with the zoning ordinance and allow expansion. The church has been in operation since at least 1955 and is currently considered a legal nonconforming use in the I-2, Light Industrial District. The Planning Commission recommended approval (6-0, and 1 vacancy) of the rezoning petition. The Planning Division recommended approval of the petition.

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Mr. Scott Shallenberger stated that he was a ruling elder and trustee of Grace Orthodox Presbyterian Church. He said the purpose of the zoning change request was not to change the use of the church, but to build a covered deck off of the back of their fellowship hall so mothers could watch their children on the playground that was to be built in the backyard.

There was no one to speak in favor or opposition, either by phone, email, or in-person, so the public hearing was closed and the matter rested with Council.

Councilmember Tweedy motioned, seconded by Vice Mayor Wright, to adopt the Ordinance #O-22-076. With no discussion from Council, the following vote was recorded:

|  |   |
|--|---|
| Ayes: Dolan, Wright, Helgeson, Tweedy, Wilder, Faraldi | 6 |
| Noes:  | 0 |

// In the matter of Planning, Agenda Item 7, a public hearing was held and Council considered adopting a resolution granting a Conditional Use Permit (CUP) to TPB Enterprises, LLC to allow the construction of 306 apartments at 1001, 1009 Dillard Drive and 209 Enterprise Drive. Ms. Rachel Frischeisen, Planner II, gave a brief summary of the item to Council. TPB Enterprises is petitioning for a CUP at 1001, 1009 Dillard Drive & 2009 Enterprise Drive to allow the construction of three-hundred and six (306) apartments in a B-3C, Community Business District (Conditional). Apartments and their associated uses are permitted in this zoning district upon approval of a CUP from City Council. City Council previously approved the CUP petition of 434 Center, LLC (Gary Schmincke) for one hundred sixteen (116) apartment units and associated gymnasium / commercial space at this location on August 13, 2019, which has expired. CUPs are valid for twenty-four (24) months once issued. A traffic analysis was conducted in 2019 as part of the original petition. This study indicated that based upon the proposed one hundred sixteen (116) apartments and associated gymnasium / commercial space there would be no “appreciable impacts caused by the construction of the multi-use development”. The only warranted improvements indicated were left and right turn lanes to the proposed entrance from Enterprise Drive. While not warranted by the traffic analysis, City staff worked with the petitioner to include widening and restriping Dillard Drive from Enterprise Drive to the development driveway. As part of the current request, new trip generations based upon the updated concept plan were prepared by Engineering & Planning Resources using the ITE Trip Generation Manual V11. The updated trip generation based upon an

increase to three-hundred and six (306) residential units, with the proposed reduction in gymnasium / commercial space, results in a decrease in the total vehicle traffic, including the number of weekday trips, AM peak trips and PM peak trips. On November 9, 2022, the Planning Commission recommended approval (3-2, with 1 absent and 1 vacancy) of the CUP petition. The Planning Division recommended approval of the petition.

Mr. Daniel Cyrus stated that he was representing TPB Enterprises and was presenting to Council. He stated that the CUP was not associated with the B-3 commercial uses, which could be constructed by right, but was specific to the proposed 306 apartments, which would be four-story buildings with interior corridors and elevators. Mr. Norm Walton, with Perkins & Orrison, presented to Council the allowed uses of the property and the proposed proffers of the project. Mr. Bill Lynch, Traffic Engineer, presented to Council the traffic analysis of the proposed development.

Mr. Scott Munker, Vice President of Supply Chain for J. Crew, addressed Council regarding the traffic congestion of Dillard Avenue.

Mr. George Bondurant, representing Hanwha Azdel, Inc, stated that his address was 90 Horseman Drive, Lynchburg, Virginia, 24502. He stated that he had not received notification of either this rezoning or the 2019 rezoning. He stated his opposition to the proposal due to traffic congestion in the area and the issues of development of residential uses in an industrial area.

Mr. Colby York, Vice President of Thrive Logistics, stated that Thrive Logistics was located across the street from the proposed development. opposition of the project due to the issues of development of residential uses in an industrial area.

Mayor Dolan asked if the applicant had a rebuttal. Mr. Cyrus stated that the housing proposed was meant to provide housing for employees for the many businesses in the area, and the property had already been rezoned to not serve as an industrial use. He stated that the project was meant to address the existing concerns by alleviating them.

Mayor Dolan closed the public hearing and the matter rested with Council.

Councilmember Faraldi motioned, seconded by Councilmember Helgeson, to deny the petition. Councilmember Faraldi asked how many apartments could be built on the property by right. Ms. Frischeisen answered that mixed use residential was allowed by right with a ratio of 1 to 1. It would

depend on how large the floor plan was in order to determine the amount of residential. Councilmember Faraldi requested the Council review by-right policies that allowed business zoned parcels to have residential uses. He expressed his concern about the lack of communication between the developer and the surrounding businesses and about the traffic issues in the area.

Councilmember Helgeson noted the original rezoning was approved because it had much fewer apartments, but the current proposal was wholly different and he could not support it.

Vice Mayor Wright asked what the notification process was for adjoining properties. Ms. Frischeisen stated that the requirements per the City Code included signage posted at the frontage of the property, notification in the newspaper, and notifying adjoining property owners. She stated that Azdel was sent a letter and J. Crew was located too far away to receive a letter. Vice Mayor Wright asked if the study took into account what the forecasted use of the road is. Mr. Lynch answered that the study did not include the traffic in the future, only the existing traffic and the predicted traffic on the sites. Vice Mayor Wright asked if the City was planning to make improvements to the intersection of the roads other than with this petition. Mr. Benda answered no. Councilmember Helgeson clarified that it was proffered in the rezoning of the property that when the property was developed, the turn lanes were to be improved.

Councilmember Wilder stated that he understood the traffic issues of the area and was supportive of Councilmember Faraldi's motion.

Councilmember Tweedy stated that the growth of the area was of concern. She asked why the number of units had tripled. Mr. Cyrus replied that the project only worked from a financial perspective if the density was at its current proposal.

Mayor Dolan stated that she did not support the project because of the traffic concerns and the industrial uses of the area.

With no further discussion from Council, the following vote was recorded:

Ayes: Dolan, Wright, Helgeson, Tweedy, Wilder, Faraldi 6

Noes: 0

// In the matter of Planning, Agenda Item 8, a public hearing was continued and Council considered adopting Resolution #R-22-077 and Ordinance #O-22-078 amending the Future Land Use Map and approving a rezoning at 1114, 1126, and 1168 Old Graves Mill Road. On November 1, 2022, City Council

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conducted a public hearing and held it open for the December 13, 2022 City Council meeting. Ms. Rachel Frischeisen, Planner II, gave a brief summary of the item to Council. ZZ & ZZ, LLC is petitioning to rezone approximately eleven and ninety-three hundredths (11.93) acres located at 1114, 1126 & 1168 Old Graves Mill Road from R-2, Low-Medium Density Residential District to R-4C, High Density Residential District (Conditional). The rezoning would allow the construction of one hundred sixty-nine (169) apartments, twenty-nine (29) condominiums, office, club house, pool, and two hundred sixty-two (262) parking spaces. On October 12, 2022, the Planning Commission recommended approval (3-1, with 2 members absent, Light and Bowden, and 1 vacancy) of the FLUM amendment and of the rezoning petition. The Planning Division recommended approval of the petitions with the addition of proffers.

Ms. Amy Seipp of Accupoint Surveying & Design, representing the applicant, addressed Council. Mr. Jason Brown of ZZ & ZZ, LLC stated that the proposal allowed for home ownership pathways to residents. Mr. Carl Hultgren, Traffic Engineer with Gorove Slade, presented the traffic study for the project to Council.

Ms. Katrina Fields stated she was a resident of Coffey Road in Lynchburg City, and stated she was speaking in support of the project due to its creation of affordable housing and homeownership opportunities.

Mr. Ted Hein stated that he was a resident of Lynchburg City and on the Board of Directors of the Lynchburg Humane Society, which was located across the street from the proposed development. He stated his support of the project due to residents being of great help to the Humane Society.

Mr. Tim Sylvester stated that he was a resident of Lynchburg and retired surgeon who had practiced in Lynchburg for almost 40 years. He stated his support of the project due to its creation of different housing types in the City.

Mr. Caleb Hill stated that he was a resident of Lynchburg and current student at Central Virginia Community College. He stated his support of the project for its creation of affordable housing and homeownership opportunities.

Ms. Debbie Sebring stated that she was a resident of Ward IV in Lynchburg. She stated her support of the project due to its creation of different housing types in the City.

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Mr. Steve Clevenger stated that he was a resident of Lynchburg and minister at the Seven Hills Church of Christ at 810 Old Graves Mill Road. He stated his support of the project due to its creation of affordable housing and homeownership opportunities, beautification of the area, and revenue for the City.

Ms. Lakeisha Anderson stated her support of the project due to its creation of affordable housing and homeownership opportunities in the City.

Ms. Alicia L. Finney, Clerk of Council, read three email correspondences into the record in opposition of the petition from the following citizens: Brian Zubroski, Brian Summers, and Rachel Mullins. She read a form email previously sent in from the following citizens, in opposition of the petition: Dan Johnson, Glenda Frye, Jennifer Tanner, Kathy Germeroth, Lynn Wayne Seipp, Sona Seipp, Keith Ballengee, Melinda Tennis, Michelle and Tim Osborne, Ben Kahle, Ashley Jones, Claudia Starkovich, and Greg and Darlene Marsh. Ms. Finney read into the record a letter supporting the project signed by the following citizens: Katrina Fields, Mary Brown, Paul Brown, Edward Hunt, Timothy Sylvester, Michael Voth, David Abdshah, Thomas Greene, Cary Tromby, John Buckles, Daniel Rhodes, Steven Powell, Hugh Parnell, Matt Meyers, and Steve Clevenger.

Mayor Dolan asked if the applicant had a rebuttal. Mr. Brown stated that the traffic study indicated the true minimal impact of the project on traffic, and the development would improve the road and make it safer. Ms. Seipp stated that buffers for the parcel would be addressed at the site planning stage, and the intent was to provide a bus stop when service allowed it in the future, as well as stormwater management that enhanced the environment and walking trails available to the public.

Mayor Dolan closed the public hearing and the matter rested with Council.

Councilmember Faraldi motioned, seconded by Councilmember Helgeson, to deny the petition. Councilmember Faraldi stated that Council must have a discussion about the lack of available housing in Lynchburg, and the placement of housing was key. He stated that he did not support the resolution because of the overdevelopment of the area.

Councilmember Helgeson stated that he did not support the resolution because it was the wrong location for this type of development.

Vice Mayor Wright stated that he was supportive of the project, so he would be voting against the motion on the floor. He stated that his concerns about the project's impact to the watershed and traffic had been allayed, and that the type and density of housing was appropriate for the area.

Councilmember Tweedy stated that she would be opposing the motion.

Councilmember Wilder stated that he would be opposing the motion and was supportive of the project because of its creation of affordable housing and the homeownership program. He stated that the traffic issues were addressed in the traffic study.

Mayor Dolan stated that she would be opposing the motion and supported the project because it fit within the neighborhood and offered homeownership.

Councilmember Faraldi stated that he would amend his motion to extend the public hearing until January.

Councilmember Tweedy stated that it was integral for the community to support a diversity of housing and to allow for larger density because of the growing City.

With no further discussion from Council, the following vote was recorded:

Ayes: Helgeson, Faraldi 2

Noes: Tweedy, Dolan, Wright, Wilder 4

Councilmember Tweedy motioned, seconded by Vice Mayor Wright, to approve the Resolution #R-22-077 and Ordinance #O-22-078.

With no further discussion from Council, the following vote was recorded:

Ayes: Tweedy, Dolan, Wright, Wilder 4

Noes: Helgeson, Faraldi 2

// In the matter of Water Resources, Agenda Item 9, a public hearing was held and Council conducted its first reading of Resolution #R-22-079 amending the FY 2023 Sewer Capital Projects Fund budget and appropriating \$25,000,000 American Rescue Plan Act (ARPA) Grant to reimburse costs associated with combined sewer overflow projects. Mr. Tim Mitchell, Director of Water Resources, gave a brief summary to Council. The City of Lynchburg has been awarded a grant totaling \$25,000,000 by the Virginia General Assembly's appropriation of ARPA funding to DEQ for costs directly associated with CSO projects which

are mandated by the State Water Control Board Enforcement Action–Consent Special order issued July 31, 2015.

There was no one to speak in favor or opposition, either by phone, email, or in-person, so the public hearing was closed and the matter rested with Council.

Vice Mayor Wright motioned, seconded by Councilmember Wilder, to adopt the resolution. With no discussion from Council, the following vote was recorded:

Ayes: Dolan, Wright, Helgeson, Tweedy, Wilder, Faraldi 6

Noes: 0

// In the matter of Public Comment, Agenda Item 10, Citizen Zandrea Herbert who previously signed up to speak was not in attendance at the meeting.

// In the matter of Lynchburg Redevelopment and Housing Authority, Agenda Item 11, Council considered adopting Resolution #R-22-080 authorizing the designation of the Dearington Hills Apartments as a Revitalization Area. City Council was previously briefed on this item during the December 8, 2022 work session. The Lynchburg Redevelopment and Housing Authority (LRHA) are working to submit a 2022 Tax Credit Application. Mary Mayrose, Executive Director of LRHA, has requested that City Council acknowledge by resolution that the area of Dearington Hills is a Revitalization Area as evidenced by the City's Comprehensive Plan.

Councilmember Tweedy motioned, seconded by Councilmember Wilder, to adopt the Resolution #R-22-080.

Councilmember Tweedy stated she was glad to support the project and to have served on the Housing Authority Board to be a part of the development process. Councilmember Wilder stated that the project was approved after much community input and would address the need for income-based housing in the City.

With no further discussion from Council, the following vote was recorded:

Ayes: Dolan, Wright, Helgeson, Tweedy, Wilder, Faraldi 6

Noes: 0

// In the matter of the Fire Department, Agenda Item 12, Council conducted its first reading of Resolution #R-22-081 amending the FY 2023 City/Federal/State Aid Fund budget and appropriating \$76,000 from

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the 2022 State Homeland Security Program (SHSP) grant to fund equipment for the Fire Department Technical Rescue Team. Fire Chief Gregory Wormser gave a brief summary of the item to Council. The resolution is to amend the FY 2023 City/Federal/State Aid Fund budget and appropriate \$76,000 with resources of \$76,000 from the 2022 SHSP from U.S. Department of Homeland Security (DHS) to fund equipment for the Fire Department Technical Rescue Team. The funds will be used for the purchase of PPE (Personal Protective Equipment), USAR (Urban Search & Rescue) bags, water rescue equipment and specialized rescue equipment for heavy lifting, debris removal and large animal rescue. The majority of this equipment is replacing existing equipment that has exceeded its useful life, but there are a few items that are being added to enhance our rescue capabilities. This equipment can be used in a variety of ways, such as stabilization of a structure that is in danger of collapse, stabilizing a vehicle after a crash or clearing debris from a trench. This equipment is vital to the successful mitigation of a variety of incident types and ensures not only the prolonged safety of our citizens, but also the immediate safety of our responders. In addition, this grant request will also include training that will enhance the knowledge and skills of our Technical Rescue Team members when confronted with patients that are victims of a USAR related incident. The grant is 100% reimbursable; no local match is required.

At its December 13, 2022 meeting, the Finance Committee recommended approval. As Chair of that committee, Councilmember Helgeson brought the committee's recommendation for approval forward as a motion, stating that the language was vague, but it allowed for the use of funds for this purpose. No second was required, and Council, by the following recorded vote approved the motion:

|  |   |
|--|---|
| Ayes: Dolan, Wright, Helgeson, Tweedy, Wilder, Faraldi | 6 |
| Noes:  | 0 |

// In the matter of City Council, Agenda Item 13, Council considered adopting Resolution #R-22-082 approving the City of Lynchburg's 2023 Legislative Agenda. Council was previously briefed on this item at the December 14, 2022 work session. Mr. Wynter C. Benda, City Manager, gave a brief summary of the item to Council. Each year, the City Manager works with the City department heads, City appointees, Constitutional Officers and their staff and others on what topics, focus areas and/or potential bills/resolutions are important to the City of Lynchburg that will first be presented to City Council and later

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adopted by them as the City's "legislative package" so as to position it well for the impending Virginia General Assembly Session.

Councilmember Faraldi asked if the language regarding Roanoke's legislative initiatives could be included in the legislative agenda. Mr. Benda stated that it was not currently included but could be added. Councilmember Faraldi stated that he was comfortable with that and would rather not vote on something without seeing it. Mr. Benda stated that he would like to have something to work with before the General Assembly session began on January 11, 2023.

With no further discussion from Council, the following vote was recorded:

Ayes: Dolan, Wright, Helgeson, Tweedy, Wilder 5

Noes: Faraldi 1

// The meeting adjourned at 9:42 p.m.

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Clerk of Council